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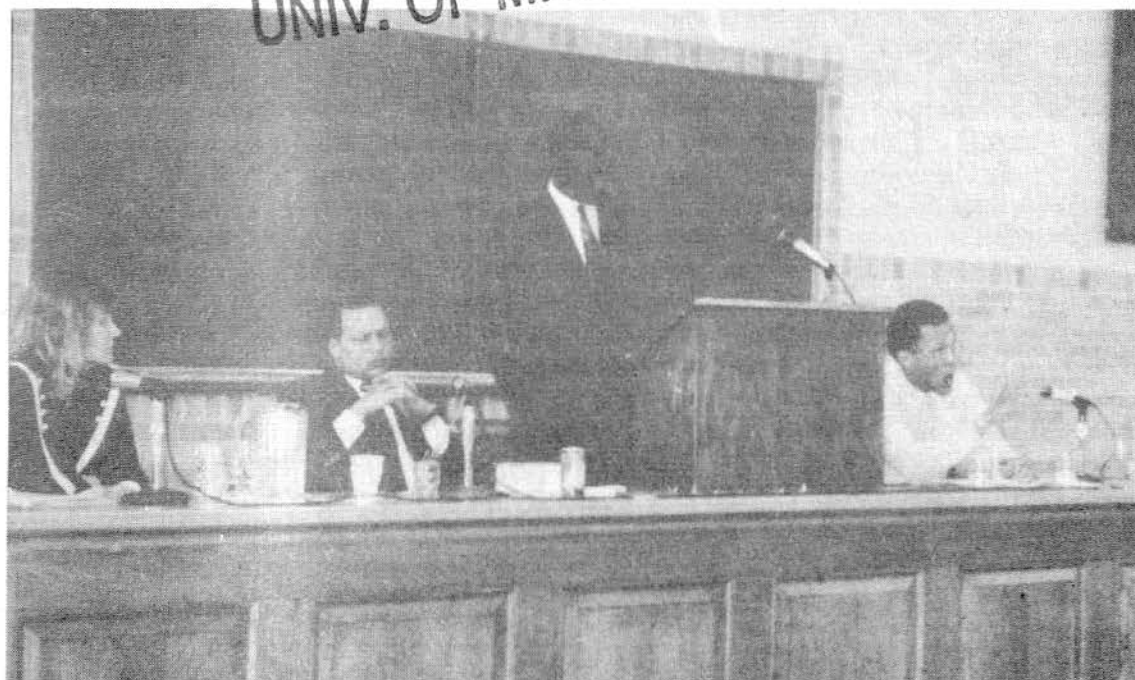
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The Regester

Vol. 41 No. 11

The University of Michigan Law School

April 8, 1991



Professor Sheri Johnson (Cornell Law School), Professor Ted Shaw, Jason Vickers (1L), and Professor Tracey MacLin (Boston University Law School).

Police Brutality Criticized By Drug War Panelists

By Pete Donati
RG News Writer

Saturday morning in Honigman Auditorium approximately seventy people turned out to hear a panel discussion entitled "Fourth Amendment Issues in the War on Drugs." The discussion was part of a weekend long symposium on the changing focus of the drug war organized by the Black Law Students Alliance.

Speaking on Saturday were Professors Tracey MacLin of Boston University Law School, Ted Shaw of

Michigan Law, and Sheri Johnson of Cornell University Law School.

Professor MacLin began the discussion by criticizing the Justice Department's view of the Fourth Amendment. While individuals theoretically have protection from unreasonable searches and seizures under the Department's view, the reality is far different. Professor MacLin claimed, particularly for black males in urban areas. He noted that police often view with hostility blacks who attempt to assert their Fourth Amend-

ment rights. Professor MacLin cited numerous cases of police harassment from around the country to support his contention. The end result, he charged, is that there is a "huge gap between

law's theory and law as applied on the streets."

Professor MacLin ended his talk by arguing that the reasonable person standard in Fourth Amendment cases be abandoned in favor of a standard that would consider a person's race

See DRUG WAR, page 12

SFF Falls Short New Drive Kicks Off Today

By Maureen McAndrew
RG News Writer

The Student Funded Fellowship program is in dire financial straits this year. This organization, that helps fund students who work in public interest jobs over the summer, has received \$10,000 less in contributions than it received last year (\$37,000 v. \$47,000). At the same time, the number of applicants has nearly doubled from 57 last year to 112 this year.

Rob Borthwick, the chair of SFF, indicated that there are two reasons for the surge in applications. Firstly, more people are interested in public interest work, a development which he considers exciting. Secondly, he cites the market conditions which have reduced the number of law firm jobs available to first year students. Carla Folz, an SFF board member, stated that this in turn has reduced student contributions to SFF, because traditionally first year students have been the most generous donors.

In addition, according to SFF board member Mike Troy, the law school has reduced the work study funds it makes available to SFF applicants from \$78,000 last year to \$30,000 this year. Furthermore, Mike predicts that the law firm matching gifts will decrease due to cost cutting measures.

However, the law school administration has provided much needed relief in the form of supplemental loans. Due in large part to the efforts of Dean Eklund, whom Borthwick calls a "good friend of SFF," the law school has offered to give SFF grant recipients interest-free loans that require no payments until one year after the recipient's graduation. Therefore, students can receive part grant/part loan packages from SFF if they choose.

Borthwick says that he realizes that the last thing most law students need is more loans, but given the dire financial situation, this is an appropriate response. SFF has always strived to fund as many people as possible, and the loans will help the organization do this.

Yet, the most important measure SFF is taking to fund applicants is to initiate a renewed two-day-only fundraising drive. This Monday and Tuesday, SFF members will be sitting outside Room 100 to receive

See SFF, page 13

Faculty Panelists Describe Hiring Process

By Michael Vega
RG News Writer

Four professors served on a panel for a Diversity Day forum held Friday in room 250 in which they fielded questions regarding the university's faculty hiring process with regard to increasing diversity.

Diversity day is a tradition started at Boalt Hall as part of a movement for more minorities on law faculties. Since then, the event has become a national one.

The forum was sponsored by an umbrella organization of basement groups (among them ALSA, WLSA,

BLSA, HLSA, NALSA, NLG). Mike Hidalgo, 2L, played a leading role in organizing the event.

At the event, professor William Miller revealed that two minorities are being considered for faculty offers: Jose Alvarez, who teaches at George Washington University and may become the law school's first Latino faculty member, and University of Hawaii professor Mari Matsuda.

One theme of the forum was that the kinds of credentials sought in faculty searches are changing. The old credentials included being in the

top ten of your class, being on law review, having a prestigious clerkship and working for a big firm in a big city.

How does the law school find candidates? Search committees rely on job fairs held by the American Association of Law Schools and, more informally, the "old boy" network. After sifting through resumes some are invited back to give a presentation to the hiring committee. The committee then gets an opportunity to veto the candidate.

Next prospective candidates give a presentation to the full faculty, after

which the faculty can approve or veto. The candidate has to pass this hurdle without significant opposition.

While most candidates have strong credentials, a four point does guarantee an offer. "It's amazing how uninterested we are in many people who have great resumes," professor James Krier said. "The standards have changed. They now include publishing and diversity considerations. Some other criteria are gender, cultural background and ideological alignment."

After they get hired, faculty are no longer guaranteed a smooth path.

Miller explained: "Tenure is tightening up. People tend to want to reproduce themselves. Some people favor grades and others writing."

On a more hopeful note, Krier said people with average academic credentials can, "rise above their records." He said, "Good writing can work you up to the absolute heavens."

Krier added that, "More women were invited for full visits than white males this year. We have always just looked for quality and recently some of the parameters of quality have

See FACULTY, page 13

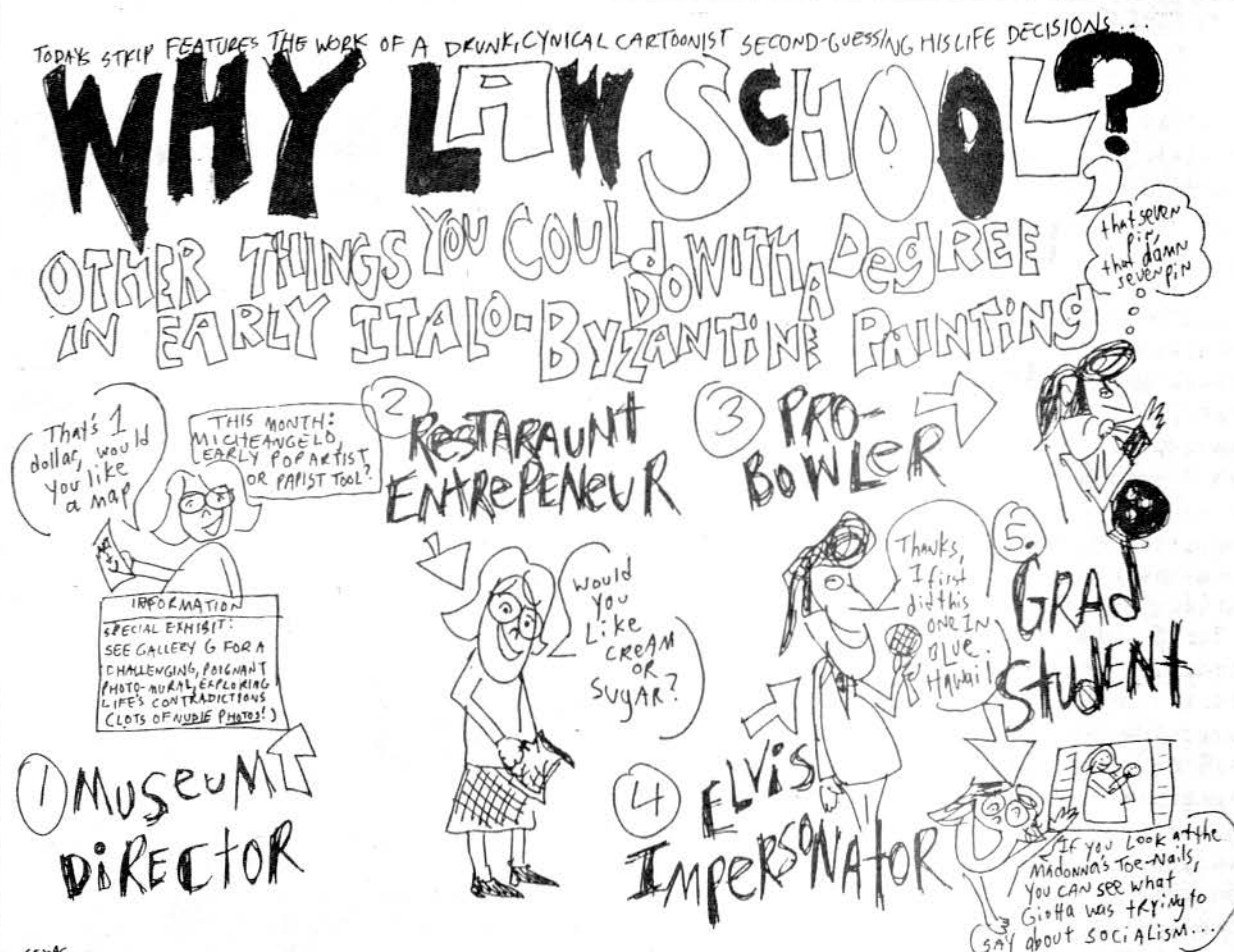
The Res Gestae

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Submissions to The Res Gestae should be placed in the newspaper's pendaflex in Room 300 Hutchins Hall by 5 p.m. on the Friday preceding publication. Items submitted after this time will not normally be considered for inclusion in the following issue. *Anonymous submissions will not be printed unless the identity of the author is disclosed to the editors and there is a compelling reason for the author to remain anonymous.*

The Res Gestae requests that submissions be placed on Macintosh or MS-DOS 3.5 inch disks. This will save us time and expedite the printing of your ideas. The piece may be typed in any of the following word-processing programs: WriteNow, Microsoft Word, WordPerfect or FullWrite.



Faculty Must Show Commitment to Save Public Interest Option

In recent years, the law school administration has extolled the virtues of public interest work. In its publications, in its sponsorship of panel discussions, and through the Placement and Dean's office, the Law School has encouraged students, especially first years, to seek summer jobs in the public interest. Students who exhibit a significant commitment to public interest work and who eschew the financial rewards of law firm practice to serve underrepresented segments of society are often lavished with praise. Guess what? Complements and recognition are well and good, but they do not pay the rent. Without significant financial support, jobs in the public interest, even summer jobs, are economically unfeasible undertakings for all but the wealthiest students.

The notion that Michigan Law Students should have to pay money to find summer legal work might seem unthinkable, but it is a reality. Funding from the University's work-study office to the SFF program has been cut, and contributions from students working in the private sector and their law firm employers is down. At the same time, more students have exhibited a desire to work in public interest. As a result, the amount of money available for each student who applied to SFF has been drastically reduced. Based on the experience of past years, students reasonably expected to receive up to \$3,000 in grant and/or work-study money from SFF for summer 1991. While this amount is less than two weeks salary at many law firms, it does go a long way towards the payment of food and rent for three months. However, due to decreased funding, students will be given grants of only \$1,200 to \$1,500, and will be offered no-interest loans to make up the rest of their summer aid packages. Students who work in the public interest will be asked to go further into debt while their peers who work in law firms "earn" huge salaries.

The blame does not lie with students, nor does it lie with the administration or SFF. Michigan students have traditionally been very generous in supporting fellow students who devote themselves to public interest work. The fact that student funding is down this year is surely attributable to the fact that student employment is down this year. Students who do not have a job cannot contribute (although students who did get jobs in this depressed market should realize how important their contributions are this year). The administration has made available monies for the non-interest loans, and has assisted SFF in its tireless efforts to raise money. But this is not enough. If public interest work is to be a viable option for Michigan students, there must be a financial commitment by the faculty in allocating budgetary resources. Middle-class students cannot be expected to undertake public interest work with no assistance from their school. What is required is a permanent mechanism by which students can expect financial aid (grants, partial tuition waivers, expanded loan forgiveness) irrespective of recessionary times. Student aid should not depend solely on the prosperity of law firms.

The faculty must evaluate how it wishes public interest work to be funded and represented. Some faculty members have expressed the sentiment that it is not the Law School's place to be subsidizing students' summer jobs. Yet, without subsidies, public interest jobs will become a luxury only the wealthiest students can afford. It is wrong to present public interest jobs to students as noble alternatives to the evil law firms, when students can earn much more than the \$1,500 available in grant money by working at McDonald's this summer. The faculty must decide what kind of students they are trying to cultivate, and what sort of legal world they envision Michigan students working in. It is clear that law firm work is becoming the only viable option for students saddled with the huge debt that a law school education necessarily entails. The students working in the public interest this summer have every right to feel cheated. While their peers earn \$20,000 this summer, public interest students will be working for the rights of underrepresented segments of society. Unfortunately, the legal community has decided that the value of these students contributions is close to zero.

S.M.G.

Letters to the Editor

Dear Editor:

I write in response to last week's story in the *RG*, "Law Review Affirmative Action Policy Challenged." Many students at the law school are very upset by what they see as a less-than-welcoming spirit toward the presence of minority students on the Law Review. In part, this is a direct reaction to the facts: the policy was in fact questioned by two board members, and put to a vote. But the understandable misgivings about the Law Review resulting from the common knowledge of this action have become exacerbated by the *RG* article, which unfortunately gives the false impression of extremely reluctant support for the affirmative action policy. This despite an overwhelming vote in its favor.

The article tells the reader that "Even those who disagreed with Mr. Burke and Mr. Plants described them as 'extremely persuasive.'" It would be more accurate to say that some of those who disagreed found them so (my guess is that the *RG* found only a few people who made such statements). Without commenting directly on the remarks of Mr. Burke and Mr. Plants, I can honestly say that I personally found none of their arguments persuasive in the least; indeed, I find Mr. Plants' comment to the *RG* about the stigmatic effect of a.a. and its affect on "all of humanity" both paternalistic and intellectually vacuous. (See letter to the *RG* by Michael Ross). I can also say that I am not alone on the Board in these feelings.

The *RG* article gives untoward play to those who oppose affirmative action and those who were "fence-sitters." Of course, this is exactly what an interesting piece of journalism should do; comments from a dozen editors confirming their support of the existing policy would make for uninteresting reading. But in the name of accuracy, it should be pointed out that the *RG*'s article does create an unfairly slanted portrayal of the motivations and concerns of the members of the editorial board. The only statement showing unequivocal support for the policy is that of Ms. Godsil, yet several editors are cited who display either clear disapproval or equivocal support. Moreover, the *RG*, by my count, refers three times to unidentified sources; each time the comments reflect attitudes that tend toward disfavoring the a.a. policy. Who are all these people? This disproportionate reporting tends to obscure the most salient fact: the final vote was overwhelmingly in favor of retaining the a.a. policy.

Letters to the Editor

I am further disturbed by the section of the article quoting faculty members. The article quotes Professor Aleinikoff as saying the a.a. policy "may well be" justifiable. Could the *RG* really not find a faculty member who could make a stronger, less equivocating statement? The article then quotes Professor Kahn, who says the Review has lost its "special character." But the article fails to explain what Professor Kahn means by this. Is he making some sort of causal connection between the affirmative action policy and a reduction in quality of the Review? If so, a more direct statement would be helpful; many would jump at the opportunity to respond to such an assertion. If not, I would like to know what exactly is the "special character" from which the presence of minority students, encouraged by the a.a. policy, detracts? (A related question: is it mere accident that Prof. Kahn chooses to describe the Review as an "elitist" rather than an "elite" organization?)

The *RG*'s interest in the Law Review's a.a. discussion is understandable; the policy is important to many of us for reasons that do not require elaboration here. Yet the publicity is also troubling; some of us on the staff fear that it may discourage some first year students, both minority and non-minority, from applying. It shouldn't. The Law Review is full of members who are committed to the ideals of a racially diverse staff. For the publicity surrounding the meeting of March 26 to deter anyone from applying for membership would be a truly tragic result. It is my honest desire, shared by many others on the staff, to avoid such an outcome.

Scott Schrader
Note Editor, MLR

Dear Editor:

An Open Letter to Dean Bollinger

It is time to choose courses for the Fall semester and, once again, I find myself complaining about the lack of Intellectual Property Courses offered next year. Although I feel that many of my views are representative of other students interested in Intellectual Property (witness all of the petitions you have received already), I wanted to write personally to express my disappointment. Because you obviously listened to student complaints last year, I hope you will listen again.

As you will recall, one year ago, there were NO Intellectual Property (IP) courses listed on the schedule. Your justification for this problem had merit. Michigan denied Professor Litman tenure and could not officially inform her of this decision until it was too late in the year to invite a visiting professor to teach IP courses. Clearly, you could not search for a visitor before Professor Litman knew of the tenure decision. In addition, the problem was aggravated because Professor Eisenberg's newborn child prevented her from teaching this year. (Of course, this justification had less merit because I believe you had adequate warning of this circumstance.)

Despite these problems, and the apparent impossibility of hiring a visiting professor to teach IP courses, you managed to get professors for two IP courses. Copyright Law was taught first semester, while Patent Law is being taught this semester. Students interested in IP appreciate your efforts in getting these two courses taught.

However, while there were good reasons for the problems with this year's offerings, there are no apparent good reasons for the lack of offerings for the coming year. Professor Eisenberg returns to teaching in the Fall, yet only one IP course is on the tentative course schedules for next year, despite assurances from the administration last year that Professor Eisenberg would teach several courses next year. This year there are no tenure decisions and the need for a visitor has been evident for over a year. In fact, there are no good justifications for the lack of course offerings this year.

As I understand it, Professor Eisenberg is teaching Protection of Technology because she desires to teach this course. Because 80% of this course covers Patent Law, student interest in this course next year will likely be low, as Patent Law was taught this year. Of the three IP courses that Professor Eisenberg

teaches, this was the obvious one NOT to offer next year. My class has had the opportunity to take Patent Law and Copyright Law, but we will be denied the chance to take Trademarks and Unfair Competition, as well as Legal Issues in Scientific Research. I would hope that the administration retains some control over what courses a professor teaches. If the administration does retain such control, it made an unwise decision.

In addition, Professor Morris has offered to teach a two or three credit course in Advanced Patent Law. I believe you have received both an interest survey and a petition regarding this class. Many students expressed an interest in this course. At this time last year, you assured me that if students show sufficient interest in a class and if an instructor is available to teach the class, that the class will be offered. As I noted above, you responded to our demonstrated interest last year. I would hope that you would respond to our interest in Advanced Patent Law. We appear to have met the standard you described last year for offering this class.

Next year at this time, this issue will be moot in my case. However, I think you should know that many prospective first year students visited our Patent Law class and I think you will continue to find many students interested in this field. Intellectual Property continues to grow in importance and firms continue to hire attorneys for this specialty, rather than fire them. When I decided to attend Michigan, one major factor was Dean Stillwagon's assurance that Michigan had a strong commitment to Intellectual Property and that these courses were offered on a regular basis. I think you will find that these representations were made to several students in my class. I ask that you invite Professor Morris to teach an Advanced Patent Law class and that you drop the Protection of Technology course from the schedule in favor of Trademarks and Unfair Competition.

David Wille

Dear Editor:

Regardless of the outcome of debates about affirmative action at the Law Review, they should be made public. Yet its leadership made no effort to make its previous policies known to first year students who might wish to apply; indeed, it has tried to keep its discussions private, confined to the deepest level of the library, beyond the criticism of others.

The law school remains a public institution despite our pretenses; the Law Review is an integral part of the community notwithstanding its attempts to place itself above the rest of us. As its own organization, it plays a very important role in furthering academic research and student writing — it is because of this stature that its actions reflect on the students in general.

True enough, some individuals might be reluctant to speak out if they knew they had to defend their views. But the Law Review Editorial Board is not just chatting about race. It is setting policy.

Ironically, professors at the law school must now release their grading curves for our scrutiny. Members of the Law Review themselves are engaged in the task of examining judicial decisions and scholarly work, occasionally on the very subject of race. If they cannot articulate their thoughts openly, they do not deserve the privilege of acting officially.

Frank H. Wu

**The Res Gestae's final issue
of the semester will be next week:
Monday, April 15.**

**All opinion pieces and letters to the
editor must be submitted by Friday,
5:00 p.m. in the RG pendaflex lo-
cated outside room 300 in Hutchins
Hall.**

Deal with the Issues not the Person

Submitted by Tim Williams

I write this letter not to address the ideas of the author(s) of "Violence Is Not The Answer," but to address the personal reference to me. Although I disagree with the article and feel that it is rank with blanket assumptions and racist ideology, it is an opinion and I respect that. The author/s chose to focus on the anonymous letter that was written in the March 25, 1991 *Res Gestae* and not on the article written by Keith Matthews and myself. Hopefully, the author/s of the original anonymous article will address your arguments. If the author/s of the "Violence Is Not The Answer" would like to touch base and deal with the opinions in the article that Keith and I wrote, I am sure we could arrange that individually or through the *Res Gestae*.

I want to take this time to publicly voice my disappointment with the paper and its editorial staff. The *Res Gestae* should be an open forum for the exchange of ideas not personal attacks and innuendos. Because this is a personal matter between the editors and me and has already been dealt with, the point is moot. Nonetheless, I mention it so as not to discourage people from writing in the future.

The reference that I am speaking of was found in the fifth paragraph: "Are those students who take advantage of athletic scholarships and later gain admission to one of the best law schools taking advantage of the system or working within it?" This quote is surrounded by language which voices disdain about the affirmative action program here at Michigan Law School, and states that the system works for those who work within it and take advantage of its many opportunities. I have to assume that this is meant as a reference to me since the other two African-American students who took advantage of athletic scholarships at this law school had nothing to do with either of the previously written articles.

In terms of the athletic scholarship, I agree. I did take advantage of the athletic scholarship. Without it, I probably would not have gone to college at all since my parents could not have afforded to pay for my education. In an attempt to learn a skill or a trade, I would have perhaps joined the armed forces, or tried to get an industrial job in the city. But since most of these jobs do not exist anymore, I would probably be one of the 20% of my African-American brothers between the age of nineteen and twenty-five in the city of Milwaukee who are unemployed. This is not because they are not trying hard enough to get jobs but because there is no work in the city for them.

Furthermore, as the public starts to realize how inequitable the exchange is between major revenue producing sports programs and its athletes, the question that arises is who is taking advantage of whom? The University of Michigan football program nets over a million dollars from each home game, not to mention a one tenth split of all the bowl revenues of each Big Ten team that plays in a post season game. In return, athletes get their room and board paid for, get to invest, not spend, in excess of 40 hours per week during the season (depending on the importance of your role) and still have to compete in the classroom with what we affectionately called 'normal students' who have their time to themselves (most of which is spent studying to gain admission into the best law schools).

Also, athletic scholarships are not looming about waiting to be taken by anyone. There are in excess of 236 division I schools qualified to give football scholarships (I concentrate on football because it is what I am familiar with). On average they give out twenty scholarships per year, about 4,720 opportunities. Now think of how many high school football programs there are in your state alone. Now multiply that number by say roughly twenty-two (11 starters on each side of the ball, we will ignore kickers). Now multiply it by fifty-five to cover the United States and Canada (yes, colleges recruit on a limited basis in Canada). What we get is an amazingly large number. When used as a denominator with the number of opportunities available through athletic scholarships as the numerator, the number starts to resemble a fleeting hope. I go through all this silly, crude statistical data to prove a point. Although I have had some success with the system (I qualify this statement because for me

See Williams, continued on page 7

Affirmative Action Needed

By Mike Ross

At the outset, let me say that I find it troubling that no minority members of the Law Review were quoted in last week's *RG* article on the debate over the Review's affirmative action policy. Is this mere oversight, coincidence, or is it confirmation of Derrick Bell's observation that, in the eyes of many whites, people of color lack "standing" to argue in favor of policies such as affirmative action lest they be accused of "whining"?

Predictably, one of the arguments advanced during the Editorial Board's debate by those seeking repeal of the Review's affirmative action policy was that it stigmatizes minority members of the Review. Mr. Plants also makes this argument in the quotes attributed to him in last week's *RG* article. To be sure, Mr. Plants' concern for the well being of racial minorities is touching. However, Mr. Plants, if the effects of affirmative action on people of color is truly important to you, then listen to us when we say: Yes, we know it stigmatizes us. Yes, we know that affirmative action policies give many whites a convenient means of trivializing the academic accomplishments of racial minorities — we live with it every day. But we also know that, on balance, affirmative action programs benefit historically oppressed minorities. That is why there is such broad support among people of color for maintaining affirmative action. Sure, a small segment of the minority community opposes affirmative action, and not surprisingly, their protestations are greeted with much fanfare. But these few outspoken and highly publicized critics do not represent the

views of the vast majority of racial minorities. Yes, Mr. Plants, we support affirmative action. And when we hear you say that you have our best interests at heart as you work to dismantle current affirmative action programs, it enrages us. Do you really think you know better than we do what is in our best interests? Are you taking the same patronizing stance that white "moderates" took in the South when they urged blacks to suspend protesting and patiently endure humiliating and dehumanizing Jim Crow laws until a "more convenient" time? Is your stance analogous to the condescending response to Bishop Tutu's request that the U.S. sever all economic ties to South Africa, by the Reagan Administration — as if Bishop Tutu and other black leaders were not aware of the economic price of such a policy, a price they were willing to pay for freedom. Mr. Plants, in the future, I suggest that you not advance the "stigma" argument when debating the merits of affirmative action. To someone with the perspective of a racial minority, such an argument against affirmative action sounds at best, patronizing, and at worst, like a smokescreen for motivations less laudable than concern for people of color.

I would also like to address another quote attributed to Mr. Plants in last week's article. Summing up the Editorial Board's decision to maintain its affirmative action policy, Mr. Plants concluded: "In the end, it seemed that political accommodation was more important than doing what was right. To me, the outcome signifies an alarming poverty of moral courage." In all fairness, given the context, it is not entirely clear

that Mr. Plants was suggesting that the board's decision, and affirmative action in general, is immoral. Nonetheless, considering that Mr. Plant's was a co-sponsor of the resolution to abolish the Review's affirmative action policy, and having listened to his often eloquent and unabashed criticisms of affirmative action in class, I have little doubt that Mr. Plants finds the whole notion of affirmative action repugnant, discriminatory, and indeed, immoral.

Mr. Plants is by no means alone. Opponents of affirmative action frequently speak in terms of morality, specifically, that it is immoral to make distinctions among people on the basis of ethnicity rather than merit. This is no accident. When the debate over affirmative action is framed in terms of morality, the historical events that created the need for such programs are obscured, and the focus of the debate shifts. In a world where discrimination against certain segments of the population never existed, preferential policies based on qualities other than merit would surely be unjust. The United States, unfortunately, is no such place.

The cumulative effects from centuries of slavery, segregation, and widespread discrimination continue to impact our society. This is true, because, just as the advantages of upper-middle-class status tend to be passed down from one generation to the next, so too are the disadvantages of being an historically oppressed minority. Thus, contrary to what many people would like to believe, the accumulated disadvantages from centuries of systematic exclusion from all but the lowest paying jobs, segregated and inadequately funded schools, de facto

and de jure housing discrimination, etc., were not magically erased with the enactment of a few anti-discrimination laws.

Given this historical backdrop, is it, as Mr. Plants argues, so wrong that we have implemented affirmative action programs in an effort to offset the lingering effects of past discrimination? In the late '60s and early '70s, would it have been fair for the nation to merely enact anti-discrimination laws without attempting to redress the problems created by its long history of government-sanctioned discrimination? Would it have been moral for the country, after centuries of racial discrimination that solidified whites as the privileged racial group, to say, "Okay, we've enacted these anti-discrimination laws, but implementing programs designed to help people of color attain the economic successes so long denied to them would be discriminatory and unfair." Finally, in the employment context, is it so wrong that some employers attempt to neutralize the effects of the all-too-prevalent negative stereotypes that still haunt minority job applicants?

Undoubtedly, the skeptical reader is asking: "What about the Law Review? Given that grading is blind, Law Review selection is blind, and that the MAP program exists, how can anyone argue that racial minorities are disadvantaged here at the law school?" The answer is that people of color, on average, are disadvantaged vis-a-vis whites starting from the first day of kindergarten. Blacks, Latinos, and Native Americans are much less likely than whites to be able to afford private schools. Moreover,

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Model Minority Myth Dispelled

By Frank H. Wu

Although not every use of the model minority image of Asian Americans should be condemned, employing Asian Americans as a racial group to denigrate blacks as a racial group should be seen for what it is, a gesture of racial divisiveness.

The model minority myth depicts Asian Americans as the hard-working upwardly-mobile Horatio Alger success story come to life in a way that Alger could never have imagined. It shows Asian Americans as foreign yet adopting the ways of their new country quickly; they become whiz kids and urban green grocers. Athletes such as Kristi Yamaguchi, the world champion figure skater, and Michael Chang, a member of the reigning Davis Cup team, push the limits of the myth, but they, too, confirm the triumph of diligence, practice and talent.

Ultimately, the model minority myth is just another stereotype. It traces its origins to the Reconstruction Era, as Southern plantation owners came up with what seemed then a fantastic scheme, and still is incredible: they planned to import Chinese laborers from China and California. As the former Reconstruction governor of Arkansas explained, "Undoubtedly the underlying motive for this effort... was to punish the negro for having abandoned the

control of his old master, and to regulate the conditions of his employment and the scale of wages to be paid him."

Toward that end, the former slaveowners began the practice of praising Asian Americans at the expense of blacks. A proponent of Chinese labor stated, "First, they work much more steady, without the loss of half-Saturday; and second, they do not run over their work. What they do is done well." Moreover, they had "[n]o women, no children, no hogs, no ponies, no forecattle lawyers, and no howling preachers."

The contemporary version of the myth was brought forth by William Petersen, a professor at Berkeley, who wrote an article for *The New York Times Sunday Magazine* in the mid-sixties. He profiled the Japanese American community to show how a racial minority group had succeeded despite prejudice against them. He wrote, "Generally, this kind of treatment, as we all know these days, creates what might be termed, 'problem minorities.'"

If any reader didn't get who the "problem minorities" were, a wink and a nod weren't necessary cues, for Petersen was express about it. Unlike Japanese Americans, blacks had failed to prosper. Unlike Japanese Americans, blacks were criminals — the only Japanese

Americans who ran afoul of societal norms were youths who had joined gangs with blacks or Mexican Americans. One historian has characterized the article as presenting "the blanket denigration of other groups and of the efforts of social scientists and government to manage and organize social change."

Assuming that a comparison of Asian Americans and blacks can be made without its historical context, in good faith, the factual basis for the model minority myth is too weak to support anything but the most vague generalizations. Obviously Asian Americans do not share the burdens of discrimination that blacks have borne. Most Asian Americans emigrated voluntarily; many blacks were forced to leave their homelands. Asian Americans have never been subjected to chattel slavery; blacks have spent a great deal of their time in this country as property rather than as human beings. During the era of school segregation, even though Asian Americans were officially considered colored, some managed to attend white schools. Even today, de facto housing segregation for Asian Americans is minimal, but the same cannot be said for blacks.

According to 1980 census figures, Asian American family income is higher than that of whites on the average — again, assuming that

analysis of racial groups is moral. However, significant variations exist within the racial group. Japanese Americans make more money than whites, but Vietnamese Americans make just about as much as blacks. Chinese Americans are found in a range of economic stations. Residents of Monterey Park, a suburb of Los Angeles, are relatively wealthy, especially as compared with the denizens of New York City's Chinatown, where the poverty rate exceeds that of the city overall.

Furthermore, family income figures are more impressive than they should be. More family members contributed to Asian American income; in some cases, women work at family businesses without receiving any pay. Asian Americans also are concentrated in Hawaii, California and New York, all states with average incomes higher than the average nationally. Ironically, Japanese foreign nationals who are neither immigrants nor Americans get included in some calculations, grossly inflating the outcomes.

Finally, Asian American individuals do not fare as well as their white peers. On the whole, they are better educated. Yet at every education level, if comparisons are made between individuals with like qualifications, Asian

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The Rebuttal Column

By Chuck King
RG Opinion Writer

This is called "The Rebuttal Column," and I admit I've been a little uncomfortable with that title in the past, because rather than rebut other articles, I've usually used them as launching pads for discussions about related issues. I think this is a good thing, but it's not exactly "rebuttal" in the standard sense of the word. This week, however, I've finally come across something so boneheaded that I could not live with myself if I didn't write a scathing reply.

As you might expect, the piece in question is a *Michigan Daily* editorial, which appeared in the April 4 issue under the title "Paper dragon." It concerns Hash Bash, and the movement to legalize marijuana. This is an interesting issue, because it touches a lot of the issues I've discussed in this column over the semester (i.e., the knee-jerk approach to issues on this campus, the dogmatic nature of the PC mentality, the struggle of African-Americans for real equality).

The *Daily* has long been the voice of knee-jerk political correctness, but I don't think they've ever come out with an editorial opinion as blatantly self-righteous, as blatantly "our-agenda-is-the-only-acceptable-agenda," as appeared last Thursday. The gist of the editorial was, students should stay away from Hash Bash because it doesn't advocate a worthwhile cause. In pertinent part, the editorial reads:

[Hash Bash participants] put themselves in the same category as anti-war demonstrators, pro-choice advocates in Washington marchers [sic], and anti-nuclear weapons marchers. However, this Saturday afternoon "protest" is not advocating a worthwhile cause. There are so many more issues that deserve the time, effort, and money

that are invested in Hash Bash. The monies that are collected during this event will not be used to help the homeless, not to feed the hungry, not to fight crime.

The editorial goes on to criticize the recipient of the aforementioned money, the hemp legalization movement, since it's been around so long and hasn't produced any results.

I've been scrutinizing this editorial, trying to find a single assertion made by the writers that's not hypocritical, short-sighted, or just plain wrong. The only one I can find which I basically agree with is that most of the people who took up at Hash Bash are not necessarily there out of a sense of political activism, but rather because they just want to get stoned. The *Daily* editors imply that this is a bad thing. This brings me to my first point, the first question the *Daily* editors should have asked themselves before writing that piece of drivel: What's the function of Hash Bash, anyway?

There is a core of activists behind Hash Bash, or it wouldn't get organized. Hash Bash is not a political protest, though, in the sense that the anti-war rallies were. If it was, it would be in Lansing on the steps of the Capitol, or on Duderstadt's lawn, or somewhere it would draw the attention of the local political movers and shakers. No, Hash Bash is not that kind of rally; Hash Bash is a show of solidarity. It's a chance for the non-activists (and it takes a lot of time and effort to be an effective political activist) to come out and show that yes, there is public support for the pot legalization movement. So when the *Daily* points its editorial finger at Hash Bash participants and says, "You shouldn't be out here. You're not *real* political activists," the response should be, "So what? we're not here as activists. We're here as ordinary citi-

zens to show that we support what the real activists are doing." I don't think the *Daily* could dispute that anyone who takes up on the Diag is almost by definition a citizen in support of freedom to smoke marijuana.

Thus, the *Daily* editors drew the wrong conclusion from the one thing got right in their editorial. Now let's look at a couple of the things they got wrong. Their arguments contain two glaring flaws. First, they say that people shouldn't direct their energies towards pot legalization because there are so many more important issues facing us today. Second, they imply that the legalization movement itself is pointless.

Regarding the first issue, perhaps the *Daily* editors should get out of their offices for something other than No Guns No Cops No Code demonstrations. It might behoove them to get off campus altogether and rub shoulders a little bit with the general public. If they did this, they might notice that not everybody shares their priorities. Still, last I heard, the First Amendment (you know, free speech, freedom to assemble, all that stuff) applied to the rest of the populace, too. It may never have occurred to the *Daily* editorial board, but there might be people who just can't get that excited about the issues they consider so important, but who do feel strongly that marijuana should be legalized. If they want to assemble and to express that view, that's their constitutional right. How dare the *Daily* say that they shouldn't exercise that right unless it's in support of the *Daily*'s pet issues?

The *Daily* says that the resources expended at Hash Bash should be used to help the homeless, feed the hungry, and fight crime, rather than work for the legalization of marijuana. I

would argue that working to legalize drugs is working to fight crime. First, on a purely semantic level, drug use is a crime. If it is decriminalized, then there will be less crime. Second, I think we're all aware of the cataclysmic violence associated with the drug trade and culture, which would certainly be reduced if the economic base behind it were wiped out. Third, the attempted enforcement of the drug laws has spawned a wave of constitutional rights violations which, it can be argued, are worse for society than the offenses they purport to punish. By happy coincidence (or was it coincidence?), this subject was the focus of a symposium sponsored by the Black Law Students' Alliance this past weekend. In his keynote address, Prof. Dwight Green of the Hofstra University School of Law mentioned a study done of deaths caused by drug use (just use, not incidental violence) which showed that in a period during which several hundred thousand people died from alcohol use, there was not one documented case of a death from the use of marijuana. I think this is a clear case of the cure being worse than the disease. On the issue of hunger and homelessness, while any connection between the drug war and these problems is more tenuous, the cessation of the drug war would undeniably free up lots of resources which might be used to address these issues.

I guess the kids running the *Daily* got a little too much "Just Say No" brainwashing when they were in high school. But just because they let somebody else (Nancy Reagan, for goodness' sake!) tell them what to think doesn't mean it's OK for them to turn around and tell others what to think. Unfortunately I don't think that's going to stop them.

Thanks to Leo O'Brien for his suggestions.

"Violence" Reconsidered

By Christine Webber

I don't really see why the authors of this article felt the need to remain anonymous. Law firms are hardly bastions of the left where partners favor affirmative action plans, let alone violence, so the suggestion that their future employment opportunities would be harmed seems facetious. At any rate I wish to respond to the substance of their article, and am pleased to have my name attached.

First the authors contend that "Black Americans constitute a sizable percentage of the U.S. population; this enormous block of political power has yet to be utilized by Black Americans." This is false on both counts. Black Americans constitute maybe 15% of the U.S. population. In a country where one needs a majority to win, this is not "substantial." While it is true that there are some cities with a high enough percentage of Black Americans so that they can elect the mayor of their choice or the Congressperson for their district, this is not a significant amount of power. Mayors do not control the resources to make the major changes in their constituents' lives, there aren't enough cities that Black American voters dominate, and their Representative in Congress will be one among hundreds. The situation is exacerbated by the fact that money is important in

running campaigns and getting elected, but Black Americans are least likely to have the money. Although the suggestion that Black Americans have substantial power to move within the system is false, so is the suggestion that they have not tried. Black Americans vote in higher percentages than their white counterparts with the same education, income, et cetera. Black Americans have tried to organize, run for office and achieve political power. Since they are a numerical minority they can not win alone, and many white voters will not vote for a Black candidate. (Many more people said they would vote for Dinkins in New York City, Wilder in Virginia, Gantt in North Carolina than actually did.)

Second, the authors of the article claim that there are no more roving thugs that keep Blacks from exercising their rights, and that anyone can participate and succeed in the system. These authors are apparently unfamiliar with the legions of documented, proven in court cases of employment discrimination, housing discrimination, educational discrimination, and acts of physical violence based on race hatred that still occur in this country. That only includes the cases of people who had access to lawyers to prove the discrimination, there are many more that never get to court.

The patterns of residential segregation are well documented, as is the contribution discrimination has made to this pattern. Blacks tend to be concentrated in inner cities where, because of a decrease in the tax base, money is not available to pay for decent schools. Without good basic education, Blacks are kept out of college. Without college education Black Americans can't rise to the top of the system the authors claim is open to all.

The authors even suggest that minorities actually have an advantage because of affirmative action programs that they claim ignore merit and achievement. This is false in two respects. First of all, most employers don't have affirmative action programs. Second, such programs do not ignore merit or achievement. Among the many people who merit a place at this law school, who have achieved well in college, the law school makes an effort to include minorities. The suggestion that this excludes more meritorious candidates is based on comparing things like LSAT scores. However it has been demonstrated that the LSAT is biased, so that minority test takers will do less well—even when they don't do less well in college, in law school, or, most importantly, as lawyers.¹ Thus the LSAT is not a good proxy for merit and the fact that some minority stu-

dents are admitted with lower LSAT scores than some white students who were not admitted does not indicate any lack of attention to merit.

Third, the authors state that while people were outraged about David Duke, those same people applaud Mike McGhee. None of the people I know who were outraged by David Duke's positions (on issues and as former Klansman) have applauded calls for violence. The students who have expressed their views on McGhee have been tentative—admitting they can understand his motives even if they do not really want to go the route of violence. Even calling this applause does not mean that the majority of people who have criticized Duke feel the same way.

Fourth, the authors state that the Civil Rights bill Bush vetoed would require businesses to hire based on race. The bill did nothing of the kind. The bill did increase the weight that could be given to statistics which show a disparity between the percentage of minorities in the *qualified applicant pool* and the percentage in the defendant's workforce. If an employer is hiring based on merit then the percentages should be similar. The comparison is to the "qualified applicant pool" rather

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Thinking About Political Correctness

By Christine Webber

Basically I agree with everything that Jim Johnson said, but I have a few things to add. I will refer to claims made around this issue generally, including for instance the recent Detroit News articles, and not just the RG articles.

First there is the claim that the "PC left" controls institutions such as the University or media. This must be false or the *Detroit News* wouldn't have published the articles they have criticizing political correctness, ditto *Newsweek*, *Time* and other publications. The *Michigan Daily* I may concede, but that is not an institution of power in society, not even in University of Michigan society. The claim that the "PC left" controls the University is also false, or I, and others on the left, wouldn't have so much trouble getting the school to do even half of what we want. Finally, even assuming that some rigid ideologues of the left (or even a list of communist dupes) control the university and some newspapers they certainly do not dominate this society. First, look at who is president. Then look at the Civil Rights Bill that was vetoed successfully. Look at who runs the corporations in this country—who lobbied successfully against said Civil Rights Act. I could go on about other issues that are important to the left, but this example should suffice.

Second, the claim that there is a "PC left" and people who go around calling others "politically incorrect" does not fit with my experi-

ence. I have never heard the term used in class. I have not heard the term actually used in student discourse except by conservatives who claim to be victims of a "PC conspiracy." I say this as someone in a position to know. I have been involved in liberal Democratic politics, the Women Law Students Association, the National Lawyers Guild, the Law Students Against the War, and other groups usually identified by the conservative critics as "PC left." We do not go around telling people that they are "politically incorrect," although we may exercise our first amendment rights to tell them we think they are insensitive, racist, sexist or just wrong.

Third, the claim that the pressure of PCness has silenced people is at most partially true. In this law school I have heard in class suggestions that women may fall in love with their rapists, an argument against coverage of pregnancy in health plans because "Then Catholic women up north could have lots of babies and bankrupt the companies," statements that women "just can't" participate effectively in the military, and suggestions that any minorities that weren't successful had only themselves to blame. Other people have recently reported incidents such as a professor suggesting that the only way to win with a certain argument is to "go to court in a short skirt." The bulletin boards of student groups (including Lesbian and Gay Law Students, Arab-American Law Students, and the Women Law Stu-

dents) have been vandalized. In other allegedly liberal, politically correct institutions I have been called a communist or a duke for voicing my views. Many professors do not use gender neutral language or include women in hypotheticals. I could go on and on with specific examples. The point is that the array of bigoted or just conservative comment has been practically deafening—if this is people being silenced I don't think I could stand it here with the voices unleashed.

I want to respond to the specific claim made by Chuck King that "PC activists condemn the teaching of traditional history and Western civilization courses because they don't reflect their values," and that they "cram their views of science and history respectively down the throats of the unsuspecting and malleable youth of the country." The left does not condemn the teaching of traditional history and Western civilization *per se*, they condemn teaching it *alone*. They recognize that it is an incomplete part of history, only one segment of the civilizations that are important in this world. They want more to be taught, not less. They want others included. This is an expansion of intellectual opportunity, not a contraction. And they haven't even been that successful. Surveys of textbooks used in primary and secondary education show an improvement over the total exclusion of women and minorities that used to exist, but there is still not a full and accurate description of the participation of such

groups in America let alone much about groups in the world at large. Finally I resent the comparison to Fundamentalists who want to include the theory that God created Adam and Eve, etc. You see we have very concrete proof that women and Blacks and other minorities did live, did make contributions to history, and did get left out of the history books written by white men, on purpose. (As Black women get left out of history books written by white women, that are supposedly about "women.") If someone can show me the diary of Eve or a carving made by Adam I'm all in favor of including that in our schools too.

While I realize that this is a loaded analogy, the current furor of articles I have seen written by people on the right about the threat from some organized political correctness group reminds me of McCarthy and others suggesting that communists, sympathizers, or dupes controlled institutions in America in the fifties. There is lots of rhetoric and allegations, but no evidence of their control or who they are. There is this label "PC left," but no actual left group that uses it. Even I, the diehard Democrat who thought Dukakis would win, can see the growth of conservative power in this country—yet all around me conservatives are crying that they are the ones who are threatened. This school and this country are in no more danger from a "Political Correctness" take-over now than we were in danger of an internal communist coup in the fifties.

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even if the comparison is limited to whites who attend public schools, the disadvantages remain, for pupils of color are significantly more likely to live in a neighborhood where the public schools are underfunded, drug-ridden, and where vocational rather than academic skills are emphasized. Also, the white pupil is more likely to have parents that are college graduates and thus have faith that academic achievement will translate into increased opportunities, rather than have parents who have been jaded by the stark realities of life in an impoverished neighborhood and have accordingly lost faith in the system. Moreover, the white student, rich or poor, is not constantly bombarded with negative stereotypes as is the black student, regardless of socioeconomic status, that lead many people to assume that because she is black, she is less intelligent than her white classmates — stereotypes that wear at the confidences of all but the most self-assured students. And when one adds up all of these academic disadvantages of being a person of color, the answer to that often thought but seldom asked question: "Why do students of color need the assistance of affirmative action programs?" becomes apparent — to offset the academic disadvantages racial minorities face as a result of past and present discrimination.

Yet I agree with Mr. Plants on one point: affirmative action programs are not the answer. By this I mean that affirmative action alone will not alleviate the persistent disparities in in-

come, educational attainment, unemployment, etc. between people of color and whites. Instead, an intensely focused, generously funded, nation-wide effort is needed to eliminate the root causes of these disparities: e.g., unemployment, dilapidated neighborhoods, inadequate schools, blatant racism, and perhaps more significant, the continuing adherence to racial stereotypes.

I have little hope that such an all-out attack on the underlying causes of racial disparities will ever be initiated. Many whites in positions of influence, and even some well-to-do people of color, would like to think that such problems don't exist, and thus if you're black, Latino, or Native American and you're poor it's because you're lazy and/or stupid. The prevalence of such attitudes is no surprise when one considers that the self-esteem of those who have succeeded in this country is derived largely from their accomplishments. These people like to believe that success is a function of hard work and intelligence alone. Thus, when it is suggested that perhaps they had advantages which people of color, or poor people generally, do not, it is discomfiting, and denial sets in. Additionally, and perhaps more troubling, many whites feel that problems of education, housing, health, and the like are "black problems" and thus not worthy of their support.

Again, the skeptical reader is likely thinking: "Well, other ethnic groups have started off poor in this country and have done just fine, so why is it that blacks have all these problems?"

First of all, as people often forget, it is not just blacks who continue to feel the effects of past and present racial discrimination. Latinos and Native Americans certainly do so as well. With respect to African-Americans, any honest review of history reveals that the oppression suffered by blacks is different in kind and degree from that endured by other ethnic groups. No other ethnic group was forcibly brought to this country in the hulls of slave ships, forced to do back-breaking work for no pay under appalling conditions, and regarded as chattel under the law for over two hundred years. No other ethnic group's labor was so vital to the nation's agriculture that, following emancipation, oppressive legal and extra-legal methods were employed to ensure it a subjugated status so that its members would work at minimum subsistence wage-levels, frequently under conditions virtually indistinguishable from those of slavery. Moreover, other ethnic groups, such as Jews and Asians, came to this country with their cultures and ethnic-pride largely intact, and thus did not have these virtual prerequisites to success ravaged by centuries of inhumane treatment. Nor were elaborate theories of biological inferiority developed regarding these groups, as was done in the case of African-Americans as a justification for the cruel practices against them. The bottom line, skeptical reader, is that an analysis of history yields the answer to your question.

Until America gets serious about solving the problems created by past and present dis-

crimination, the meager benefits (compared to the magnitude of the problem) afforded people of color from affirmative action programs are all that we have. And now, at a time in which memories of overt racial discrimination are fading, and the long history of racial oppression gradually forgotten, affirmative action programs are under renewed attack. I have little doubt that opponents of affirmative action will soon succeed. Our generation is the first to grow-up without government-enforced segregation and with racial minorities benefitting from affirmative action. As a result, many of our generation believe that discrimination is a thing of the past, and that if anything, it is an advantage being a racial minority. Thus, when presented with evidence that racial inequities persist, many of these people, unaware of the cause-and-effect relationship between past racial discrimination and present conditions, react by attributing these disparities to shortcomings in "black culture," or worse, as evidence of racial inferiority. As members of our generation assume positions of power, I fear, this type of thinking will result in the gradual elimination of affirmative action. The Law Review's affirmative action policy will be the first to go. The law school's admission policies will go next. And finally, employers will give up any pretense of being committed to racial diversity.

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On P.C. and Prejudice

By Dianne Carter

All I wanted to do was enjoy a simple R.G. while listening to my first-period professor. Read the paper, eat some fruit, do some theory: typical Monday. I don't think that was an unreasonable expectation, but you all seem determined to drive me to this word processor whether I want to be here talking about political correctness and bigotry or not.

Let me define my terms. It seems to me that when people get annoyed about "Political Correctness," it's not so much the "correctness" they are condemning but the "politicalness." It reminds me of the satiric Edie Brickell song, "She," about a vacuous woman who "reads expensive magazines," "sees herself in everything," and with whom "it's simple to be in love." The refrain is "You can't judge her for that/ She knows where her head is it." The wrong is not her narcissism but our judgement/critique/correction of it. Even Allen Bloom noted, in *The Closing of the American Mind*, that one of the most awful things you can say to Nice White Collegians is "That's judgemental;" I would add, "especially if it is." Being told I've said something "Not PC" bugs me (particularly because I grew up in a house where Liberals were okay in their place, I guess, but nobody wanted me to marry one) because it makes me check beliefs I hold about the world that may be so deeply ingrained that I don't even notice their presence. I may not like being tagged with that label, but what I like less is being held accountable for the things I say off the top of my head and for the motivations behind them. I think, "I understand the personal is political and all, but sometimes can't it just be personal?" I feel attacked, but I also think it's fair to critique me for what I say and think. I may not agree with you or your stupid analysis, but I don't have to and you can't make me. Let's call a spade a spade here. (Chuck King, I hope you're not Black. If you are, I hope you're not offended. I checked my BLSA list, and I don't see your name, but you might not be a dues-paying member. Anyway, Webster suggests it's a term from cards, although I can never be sure with this stuff.)

Some people are in a position to make me think that what they say is true is true. Mr. King asserts that "PC activists condemn the teaching of traditional history and Western civilization because they don't reflect their values." I think that's mostly wrong. I don't know many PC activists, but I do know a good number of minorities and white women who are well and truly annoyed at paying good money to be taught lies and for their children to be taught lies. I learned history from elementary and secondary school textbooks that asserted that Columbus "discovered" America (as though there were no native people here), that the Civil War (or, rather, the War Between the States or the War of Northern Aggression) was primarily about industrialization and was only tangentially about freeing the slaves, and that General George A. Custer was The Last Great Hero to fall at Custer's Last Stand. The Virginia history textbook that fourth grade students use in my city contains two (2) pages on slaves and slavery, which is one page more than I remember from my grade-school text. There is precious little else about the lives of their descendants, one of whom is now our Governor.

The definitive anthologies used in my college and college-preparatory English courses contained few works by white women and fewer works by minorities, although more recent editions have recognized some excellent contributions. With few wonderful exceptions, I only learned authoritatively (i.e., from primary source material) about the history, statecraft and artistry of women and minorities in classes about women and minorities. This is our "traditional history" of Western Civilization: the only people whose contributions were noteworthy in our society were white men. That is objectively untrue, and the pattern of the untruth seems politically motivated. When the "left" has the power to put multicultural information into a place of prominence in the curriculum, it's scary and bad; when the "right" puts that same information into what they themselves call "educational ghettoes," it's traditional business as usual.

As far as I can tell, prejudice is always the

product of malice or ignorance. It is not wrong, unfair or malicious to require people, especially college educated people, to learn about the culture and history of people different from themselves; minorities and white women have been doing this since day one. Our grandparents taught us you just "didn't know any better," and that once white people got to know us colored people we'd all be fine. To me, a lot of the complaining about political correctness stems from the fact that the complainers are in danger of no longer being able to claim they didn't know. That only leaves one conclusion.

It is easier for me to conclude that a speaker is ignorant if, like Mr. Plants, he asserts that no one in the Law School has experienced discrimination. I think, "He must be basing that on his own experience, because if he talked to many BLSA, HLSA, AALSA, or WLSA members, he'd very likely say something different." I read the story and assume he's white because physical differences alone do carry differences of important meaning in this society, contrary to the assertions of Mr. Restuccia. They are often valid predictors of how we are likely to be treated and of the authority with which we are heard to speak. If Mr. Plants is on the Law Review Ed Board, I'm willing to assume he has spoken with authority on at least one topic, but I'll be damned if I'm willing to say he speaks with authority for "absolutely...any person [in] Michigan Law School." That's cultural arrogance, and aside from that, it's just factually wrong.

I am much less sure, however, about the motivation of the authors of the unsigned article. Let me get this straight: you guys are worried about being hurt in employment or politics because your written words are likely to be distorted by minority law students who had athletic scholarships? You say you fear "mistreatment and resentment from...the administration, faculty, and student body" but you'll bravely "continue to express your viewpoint on this matter" in unverifiable speech to those not brainwashed by "the prevailing pro-minority ideology?" I take it those will not be big, mean Black jocks, unless they are anti-

minority ones, huh? I think it fair, not PC Police Action, to condemn an unsigned statement that asserts: a) Black Americans have just stupidly or lazily failed to use our "enormous political power" because we prefer white Americans give us things, b) laws and violence no longer are used to keep Blacks from enjoying our right to vote, c) Black students who go to college on sports scholarships and then earn the LSAT scores, G.P.A.s and recommendations that are necessary for admission to Michigan have "tak[en] advantage of the system," d) minority students are admitted here "on the single basis of race" and without regard for their "merit and achievement," e) "Black Americans [also] refuse to work within the system," and our American experience is the result of our lack of "hard work and perseverance," f) "Black leaders [of unspecified number or prominence] now call for violence against White Americans while the President calls for the equality of all citizens," and g) Blacks "are the real racists today." Why not just say "Blacks are stupid, lazy, sneaky and bestial and therefore don't belong in Michigan Law" and have done with it?

I honestly think that is the most cowardly load of manure to come down the unattributable pike that I have ever heard, and that includes the statements of the tenured sociology professor at my college who taught that Blacks were innately inferior to whites because at least he had the audacity to attach his name to his beliefs. I kept waiting for you to start talking about the race-traitors who might disagree with you. I won't even get into the history of the Voting Rights Act and its extension, the long and continuing tradition of non-violent action in the Civil Rights movement, the Civil Rights Bill of 1990 and Mr. Bush's attendant veto, the resurgence of hate groups in this nation, Willie Horton, or Ed Meese's "I'm a minority, too!" Wedtech scandal; I'll just say you should buy a hood and sheet to mask your faces the way your letter masked your names.

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Americans are paid less than whites. The differences are not explained entirely by immigrant or native-born status. (Incidentally, like Asian immigrants, contemporary African immigrants have markedly better educational backgrounds than Americans of any race.)

The background of Asian American-black comparisons and the exaggeration of Asian American educational and economic triumph helps stir up the tensions underlying current boycotts of Asian American small businesses by black patrons in New York City, Washington, D.C., Chicago and Los Angeles. Blended with the revival of Yellow Peril, which makes the threat Asian and global rather than Asian American and domestic, the anger felt by blacks becomes understandable.

Essentially, the model minority image — even the phrase forms a patronizing suggestion

to other minority groups — serves as proxy. It replaces the rhetorical question, "Look, we made it, why can't you," with the less obviously crass, "Hey, they made it, why can't you?"

The model minority image also always refers to recent immigrants. Nonetheless, Asian Americans include individuals whose ancestors built the transcontinental railroad over a century ago, and individuals who were placed into internment camps during World War II. The former were barred from attaining citizenship, and the latter were treated without regard for it. Among "these" people are individuals who have assimilated, intermarried, or who were adopted by whites, and who are not much different than the next person.

Positive stereotypes are rife with disingenuous compliments. The model minority

image is not alone. It takes little sense to wonder about a statement that Jewish persons are good at business, or making money; it's worth listening to the remark that follows, for it often enough will betray true intentions. And the statement that blacks are natural athletes carries with it the implication that they aren't good at anything else. They might be able to play, and very well, as long as they don't want to pitch or quarterback, never mind coach or manage. Additionally, it suggests that their achievement is not a matter of individual merit.

Today's vicious skewering of the straw man of political correctness compels me to add that I am no believer in artificial coalitions among "people or color," nor a supporter of alliances based on "Third World origin," nor even an advocate of affirmative action. I just find it rather galling to be praised on a racial

basis for the purpose of insulting someone else on a racial basis.

Author's Note: I am pleased to call any individual by anything they wish, especially their name. I realize that having "Asian American" capitalized and "white" and "black" in lower case might convey unfortunate implications, but as "European American" and "African American" are not standard usages, I wish to make it clear that the editors of this periodical, for purposes unknown to me, follow the practice of capitalizing "white" and "black."

MSA Turnover: Dawn of a New Age

By Michael David Warren, Jr.

Tomorrow will be the dawning of a new age in the Michigan Student Assembly (MSA)—the Conservative Coalition will for the first time take a majority of the student assembly (actually, the Conservative Coalition will take exactly one half the seats). This will, hopefully, bring long needed reforms to the MSA.

Last week's meeting on April 2nd appeared to be the last gasp for the Left on the MSA. The Assembly voted to give Todd Ochoa, ex-Common Sense vice-presidential candidate, \$450 to reimburse him for legal expenses (costs of depositions, as reported by the *Daily*) incurred in his defense of a malicious destruction charge.

Ochoa is the infamous "chalker" who was arrested for violating two counts of the state's malicious-destruction statutes. Recently the county prosecutor dropped the original counts because of "lack of substance", but then he proceeded to charge Ochoa for two counts of violating a much more specific statute. Otherwise, it appears that the Left has conceded defeat.

In fact, even before the election results had

appeared, one of the Left's strongest leaders resigned because he felt he had lost his fight against the Right.

The following is the timetable for that meeting of March 25:

7:30 Scheduled time for meeting to begin.

7:45 Meeting begins. 20 members are present which is 5 under quorum. This was the 6th meeting in a row without quorum.

7:46 Announcements. President Van Valley comments during her announcements that she's unsure why she's Left of Stalin. See, Warren, *A Conspiracy Which Makes Flouriation Look Pleasant*, R.G., 3/25/91 (Note the "Survivor's Guide to Politics" chart). [She obviously had not read the article carefully—but she did read it to her credit.] For my part, I passed out flyers about BLSA's upcoming annual conference.

7:50 Executive Officer Reports. Eventless for a change.

7:52 Committee Reports. Both the Federalists and the UM Journal

of Law Reform are recognized by the MSA (paving the way for funding applications).

7:58 The Communications Committee

Chair announced

a sampling of MSA resolutions passed this semester, a report of the student groups receiving money and how much, and debate about what the focus of the MSA should be. (I strongly urge all law students to grab a copy of the MSA News. They should be distributed in MSA owned racks all over campus—check the Union and perhaps the racks in the basement of Hutchins just before the

stairs to the underground portion of the library.)

8:04 The chair of the Student Rights Committee, Corey Dolgon

(Commonsense) [He belongs off the "Survivor's Guide to Politics" chart—slightly to the Left of J. Van Valley.] exercises a point of personal privilege.

Dolgon resigns. He reads a prepared speech which explains the reasons for his resignation: First is the "Politics of Distortion". He claims that his opposition has been attempting to delegitimize certain social movements by trying to marginalize them. He cites that when the anti-deputization

protests occurred, which he led, that he was labeled a professional protester. [Dolgon

has been a leader of, among others, the anti-deputization protests,

the anti-Gulf War protests, and the Graduate Employee Organization (GEO)

protests (all this year). This may not be "professional" behavior since it is neither compensated nor requires a degree—but one must admit that it

is a full time schedule.]

He claims that he has labeled "King P.C." The University Administration and

the Right on campus have been radical and red-baiting the Left—this is returning America to McCarthyism (doesn't using the "McCarthyism" label have an uncanny resemblance at an attempt to delegitimization?) and obliterating democracy and attempts to reform the system. Furthermore, there is no P.C. movement, what is occurring is only that traditionally disenfranchised groups will no longer tolerate harassment, offensive speech, and morally offensive action and attitudes. Guidelines imposed on persons (and sanctioned by state action) preventing this behavior are justified and necessary, while opposition to those goals is evil. [Notice the deny and then praise technique: "There is no P.C. movement, and by the way, it's a great movement"]

Furthermore, a smear campaign has been launched against the Left on campus, especially on the MSA. [Dolgon, of course, has characterized his opponents as fascists who are attempting to suppress liberty and democracy everywhere (most especially at this campus). He has called them offensive, imperialists, blind to reality, uncaring about students' needs, greedy, attempting to starve out and impoverish the students and teaching assistants, etc.]

For his credit, his allies are much worse: Van Valley, for instance, stated that if anyone in the Gulf War deserved to be killed, it was President Bush. Dolgon stated that he had become the icon of the Left by the Administration, Regents, and students, and since his personal integrity had been attacked and is now questioned, it is best for the movements of the Left for him to resign so that they are not hampered by association with him. [This statement could be perceived as rather egotistical: Dolgon stated that the campus community perceived him as the incarnation of the Left on campus.]

My own rather unscientific poll suggest hardly any students have even heard of Dolgaon. Besides, this must truly upset Van Valley and Angela Burkes (ex-MSA vice-president and Common Sense Presidential candidate) now that Dolgan has announced his exclusive "icon of the Left" status. Dolgon then preceded to talk of the "Politics of Hatred". He quoted an article in the Michigan Review which was critical of Dolgon, and he cited another Michigan Review article about "Psychological Rape", and the inherent racism of the Gulf War and Vietnam as all manifestations of the politics of hatred. Dolgon stated that the last straw was when a Conservative Coalition candidate distributed a campaign flyer which stated "Are you tired of scum like Corey Dolgon representing you?". [He even filed a libel suit against the now defeated candidate in student

Webber, continued from page 5

than the general population, so that if Black Americans are underrepresented in that given field the comparison is still valid. The percentage of minority hires is not going to be exactly the same as the applicant pool, but if the employer is hiring based on merit there is no reason for the percentage to be very far off. The only way to suggest that the statistics do not show a bias on the part of the employer is to suggest that the Black applicants are less qualified. Since the comparison pool is the "qualified applicant pool" this can not be the case unless there is a racist element in choosing who is qualified, among the "qualified applicant pool."

Finally, the authors bring out the old story about other immigrant groups that have come to this country, faced discrimination, yet prospered. It is historically inaccurate to compare the experiences of Black Americans with any of the white ethnic groups that came to this country. Even if we ignore the facts that Black Americans did not, by and large, come here voluntarily, and even if we ignore the history of slavery—two big ifs—the history of Black Americans is still not comparable to the white ethnic groups. It is true that there was discrimination against hiring various white ethnic groups ("No Irish Need Apply" signs used to be common) and there was discrimination against them in higher education (ie. the Jewish quotas). But there were never laws that forbade teaching white ethnic groups to read; they were generally not segregated and sent to inferior schools; there were quotas on their admission to colleges, but not outright exclusion.

When white ethnic groups started opening their own small businesses and entering the professions they were at least grudgingly accepted. When Black Americans started doing

the same they were met with systematic violence; in addition to general violence by the Klan and others against Black Americans, there was violence specifically targeted at destroying the black middle class (ie. they were safer if they "stayed in their place"). A professor who was visiting here last year lectured our class in "Race and Gender" on what he described as "generation after generation of violent destruction of the rising black middle class."

Finally, Black Americans were pretty much completely excluded from voting—by law and by violence—until the Voting Rights Act. The importance of the vote in the advancement of white ethnic groups should not be dismissed lightly. Basically the Irish made it in this country by organizing political machines to take control of cities and then operated as primitive and biased welfare organizations handing out jobs to their poor compatriots and government contracts to their wealthier ones. They pulled the Irish into the middle class by giving all the teaching and clerical jobs to Irish as well as keeping everyone fed by hiring all Irish for the manual labor one normally associates with the patronage machines. Other white ethnic groups followed this pattern as well, although somewhat hindered where the Irish arrived first and already had a foothold. The Irish machines in Boston, New York City, and Chicago are the most famous, but this pattern was common in smaller cities as well. This was the system in place when most of the white ethnic groups established a firm base in this country. This is not the system anymore—civil service and public scrutiny has decreased significantly the ability of an ethnic group to advance itself in this way. In fact, the Supreme Court in Croson criticized the minority set-aside program set up in Richmond in part

because the majority of the city council was black and the Court thought that this was an example of the government trying to help their friends and not a genuine case of redressing past discrimination. If that was the motivation of the Richmond city council then it is just an example of Black Americans doing what the authors recommended: trying to achieve in exactly the same way that Irish and other ethnic Americans did. The only problem is they were too open about it, and did not succeed. In general however, Black Americans are precluded from using the system in this way, and thus they can not advance in the same way that other ethnic groups did.²

So, in answer to the final question the authors pose, "Who are the real racists today?" I would say that the anonymous authors are some and George Bush is another. Unfortunately they are not the only ones.

¹han whites, but they did not see this as a problem and therefore never fixed it. Black students should not be kept from law school because of the racism of the test designers (even if unconscious, unintended, etc.).

²This is not meant as a criticism of the Irish or other ethnic groups that followed their pattern. The WASPs had given jobs to their friends when they controlled the political process—and still do today in things they control like, oh, the Presidency. That was simply the accepted operation of local politics in that era. I use the Irish as an example because they did it first, and most famously. I have a nostalgic fondness for Mayor Curley who was re-elected while serving time in jail on tax evasion, although of course I wouldn't vote for such a man today.

The *Res Gestae*'s final issue of the semester will be next week: Monday, April 15.

All opinion pieces and letters to the editor must be submitted by Friday at 5:00 p.m. in the RG pendaflex located outside room 300 in Hutchins Hall.

Williams, continued from page 3

success is a journey, not a destination), I refuse to judge the masses who are suffering by my meager accomplishments. I implore you to do the same. The system is not working as long as we operate with two unequal standards when the majority of one group lives below the poverty line. So I decline your invitation to not "take advantage" of athletic scholarships and join the majority of my brothers and sisters in unemployment and dead end situations.

On your second point about taking advantage of the system here at Michigan Law, this is a bit more ambiguous. I was not completely sure what system you were dealing with originally, but given the reference to affirmative action, I assume you are questioning my admittance into the law school. If so, hold off with this query until you have read the law school bulletin page 89 regarding admissions. What you will find is that Michigan Law operates on a two-tier system that in essence works to admit one half of its incoming class based on the typical law school predictors: LSAT scores, undergraduate record and past performance in other post graduate fields. Given the conversations that I have had with other students at this school, this group is comprised of 3.9 GPAs and LSAT scores of about 45 or even higher. The other half of the class is selected from a pool of qualified applicants whose grades and LSAT scores qualify them for further consideration and are invariably strong candidates (e.g., "the applicant looks competitive, so let's hold off and see how the rest of the class shapes up"). Selection from this pool concentrates on

making the law school a livelier place to learn. The school "seeks those students who are more likely to contribute affirmatively to the learning of others by reason of their unusual intellectual attainments, significant employment experience or outstanding non-academic achievements, demonstration of emotional maturity and self-discipline, unusual social background, or exceptional capacity to benefit from a particular phase of the school's program." You have no idea where I fall in these two tiers. Frankly, it is not important. The question to ask is will I graduate and will I succeed after graduation? I do not worry about admissions, I am beyond that point. I worry about being the best attorney I can possibly be. (Just as a brief aside, it is ironic how when white athletes gain admittance into prestigious post graduate institutions, they are 'scholar athletes': Marc Marotta, Marquette University Basketball 80'-84', Harvard Law 87'; Kenny "Pinky" Higgins, Michigan Football 83'-86', Harvard Law 89'; Peter Freund (pronounced 'Friend'), Illinois Football 87'-89', 2nd year at University of Chicago Law. But when African - Americans do it, there are always lingering suspicions in people's minds of opportunity gained only through affirmative action?) As long as you understand that there is no such thing as affirmative action that allows unqualified minorities to gain access to opportunities, your inference that I am here on affirmative action does not offend me. But, I caution you not to lose sleep over the issue because I certainly do not.

The inference itself could be meant to make minorities, African - Americans specifically, question whether they deserve to be at Michigan law (which gets into a different discussion on the benefits of affirmative action weighed against its few minuses). But the inference is based on two fallacies. The first is that anyone deserves anything. The only thing promised to you is life and death. The fact that there were over 7,000 applicants for admission this year should make everyone feel fortunate that they were chosen to have the opportunity to attend this school. The second is that affirmative action stigmatizes minorities. The stigmatization is something that the majority culture must deal with, not those who are being stigmatized. A friend told me once that if you are alone with a dead person and you slap them in the face, the insult from slapping that dead person is felt by you not the dead person. I say this because I feel that all minorities are questioned to a certain extent at the law school by people like yourself. As a matter of fact, most minorities, African - Americans especially, who have succeeded (once again, I qualify the word success) in this country have had to deal with your problems in accepting us. One more bit of it does not affect me. The point is that it is your problem to deal with, so deal.

I have spoken my piece and I am unfettered by the future political and social ramifications of expressing my views. As always I am open for comment. You will find my name to the top left of this article: TIMOTHY L. WILLIAMS. Where can I find yours?

Warren, continued from page 8

court. Obviously, Dolgan has not read the First Amendment] He was also upset because since the flyer's distribution he has received phone calls from unknown persons wishing to debate him (two calls were a person laughing into the phone). Dolgan concluded by stating that he had not become involved in student politics to be involved in such activities, and it was best for him to resign so that his causes may still have a chance of success. [The Right has, of course, used a variety of smear tactics, but Dolgan is not an innocent himself. In fact, this is most hypocritical statement of the speech. Dolgan appears to have become involved in politics to smear and attack—others. I admit that of all the "icons of the Left" he was the most articulate, sincere, and intelligent critic of the Right (as an opponent I respect him), but he did engage in the same activities that he condemned in one guise or another.]

8:14 Meeting adjourned due to lack of quorum.

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Monday, April 8

Don't Forget to make your course selections by 4:30 p.m.! See the complete Early Registration Calendar below.

Henry M Campbell Moot Court Competition Final Round Argument. Honigman Auditorium 3:30 p.m. The topic of this year's argument is "Non-Profit Corporations and the First Amendment." Andrew Rifkin and William Fealko represent the petitioner; Rocco Testani and Charles Ruck represent the Respondent. The Judges include: Ralph B. Guy, Jr. (6th Cir.), David M. Ebel (10th Cir.), Julian A. Cook (E.D. Mich.), Floyd Abrams (Cahill, Gordon & Reindel, and Dean Lee Bollinger.

Tuesday, April 9

THE INCREDIBLE SFF AUCTION will be held at HIGH NOON in front of Honigman Auditorium (Room 100). Items on the block include FREE and discounted BARBRI and KAPLAN-SMH bar review courses, free small plane sightseeing flights for two, beautiful gourmet dinners, faculty-donated surprises, and much more. Don't miss the bidding frenzy featuring special guest auctioneer, DR. MANITSKY.

Wednesday, April 10

Come learn more about **PRACTICING PRIVATE INTERNATIONAL LAW** with Bruce Thelen, Robert Kullgren, and Timothy Stock of the International Law Section, State Bar of Michigan. Please join us for an informal discussion at 3 p.m. in the Lawyers Club Faculty Dining Room. Sponsored by the International Law Society.

Too much studying got you down? Here's a chance to **whine (and cheese)** with the faculty. Outside Honigman Auditorium from 5-7 p.m. Sponsored by LSSS.

Thursday, April 11

"**The Native American Peyote Case: How It Affects All Religious Freedom**", a forum co-sponsored by Native American Law Students Association, Jewish Law Students Union and Christian Law Students, will be held from 4-5:30 p.m. in Honigman Auditorium.

The Christian Law Students meet at 5:30 p.m. in the Cook Memorial Lounge, Section N of the Lawyers Club.

The American Civil Liberties Union's (ACLU) last meeting of the school year will be at 6 p.m. in room 116.

Ms. Rosalie Silberman, Vice Chairperson of the Equal Employment Opportunity Commission will speak about "Political Correctness: A Source of Civil Rights or Civil Wrongs?" at 6 p.m. in Room 250. The focus of Ms. Silberman's speech will be the way P.C. has influenced the development of federal civil rights legislation. Following the speech will be a question and answer period. Sponsored by the Federalist Society. Everyone is welcome.

Friday, April 12

Ernie Harwell, the radio voice of the Detroit Tigers, will be signing his new book at the Michigan Union Bookstore from Noon to 1:30 p.m.

EARLY REGISTRATION CALENDAR & INFORMATION, SUMMER & FALL 1991

April 8, 4:30 p.m. - Early Registration (Course Selection) Deadline. All sign-up sheets for courses for the Fall 1991 term must be turned in by this date. Room 300 HH.

April 25, 1:30 p.m. - Early Registration/Course Selection Results. You will receive a copy of your course schedule for the Fall 1991 term. Student pendaflexes, basement of Hutchins Hall.

April 26-30 - Addition of Courses. For students who were "red-lined" from an oversubscribed course and did not get his/her alternative choice or whose alternative choice has created a scheduling conflict. Room 300 HH.

August 12, 8:30 a.m. - Registration for the Commercial Transactions course for the Summer 1991 term- Records Office - Room 300 HH.

Notices

PARKING - University Parking Services has 500 parking spaces available for student parking for the 1991-1992 fiscal year (Sept 1- Aug 31). The cost is \$244 each and the spaces are located in lots:

SC-9 Coliseum (Hill & Division) 200
NC-25 (North Campus Commons) 250
NC-26 (North Campus-Haywood St.) 50

Assignment of these spaces will be conducted through a lottery. All students registered for Fall, 1991 term have an equal opportunity to obtain a space and are invited to participate. Students who wish to be considered for a permit to park in one of our three student parking areas should fill out an application and return it beginning April 1, 1991. Deadline for applications is September 1, 1991. For more information, pick-up an application from the receptionist on the third floor of Hutchins Hall.

Senior Day: Any student who will be graduating in May, August, or December 1991 may participate in the May 12, 1991 Senior Day ceremony. If you plan to participate, it would be appreciated if you would pick up a registration form from the Receptionist on the third floor of Hutchins Hall, fill it out and leave it with the Receptionist. We need to know how many plan to participate and how many guests to expect. If you plan NOT to attend, please fill out a registration form anyway - put your name on it and check the box indicating that you will not be participating - and leave it with the Receptionist. This way we will know definitely that you are not attending. The deadline for registering is April 15.

LOST ANYTHING IN THE LIBRARY THIS TERM? Check the Lost and Found in the Library's Administrative Offices, Room S-180. We have books, papers, notebooks, ID, keys, glasses, clothing and more. Hours: 8:00 to noon and 1:00 to 5:00, Monday through Friday. We also have many copy cards. If your name is on the card you can come and see if your card has been turned in.

Any student interested in spending the 1991 fall term for credit at the **Leiden Law Program** or the **Institute for European Studies** at the Free University in Brussels, should see Assistant Dean Virginia Gordan by April 12, 1991 and bring a completed application form. Information on each program and application materials are available in 307 HH. Fluency in French is a prerequisite for the Brussels Program. The Leiden Program is conducted in English.

The Law School Student Senate Speakers Committee needs a new Chairperson for the 1991-1992 academic year. The Committee is responsible for administering a \$4000-5000 annual budget from LSSS plus a sizable grant from a Detroit-area law firm. The LSSS money is distributed to various law school student groups upon the recommendation of the Speakers Committee. The grant money funds the Clark, Klein & Beaumont Lectureship Series, which is presented by the Committee itself. Previous Lectureship Series speakers have included Sen. Joseph Biden, Professor Derrick Bell, and David Gergen. Chairing the Speakers Committee involves real responsibility for substantial resources and the opportunity to personally meet many of the prominent speakers brought to campus. Interested 1Ls and 2Ls, please leave a brief note discussing your interest in this position in Jim Ratner's pendaflex or in the Speakers Committee mailbox outside the LSSS office. Remember to include your telephone number.

Contests - Please see Lisa Buyckes (310 Hutchins Hall) for details on the following contests: The IADC is sponsoring the 1991 **International Association of Defense Counsel Legal Writing Contest**. Subjects include: admiralty, alternate dispute resolution, civil procedure, conflicts of laws, contracts, evidence, federal courts, law and medicine, remedies (damages and restitution) and trial and appellate advocacy. Cash prizes of \$2000, \$1000, and \$500. Articles must be submitted by April 15, 1991.

The American Association of Nurse Attorneys Foundation (TAANAF) announced the first annual Cynthia E. Northrup Memorial Essay Competition in nursing law. The winner will receive a \$500 award. The deadline is April 15, 1991.

The National Association of Attorneys General announces the third annual Clearing House Project Student Writing Competition for the annual law review, **Emerging Issues in State Constitutional Law**. Deadline is April 19, 1991.

The Third Annual **Space Law Conference** is sponsoring a writing competition in conjunction with its Conference next September. The winner will receive a \$1500 award. The deadline is August 30, 1991.

MINORITY AFFAIRS PROGRAM: The Minority Affairs Program (MAP) is soliciting applications from students interested in working as student assistants during the 1991 summer term and for the 1991-1992 academic year. Applicants should submit to Mickey Slayton (303 Hutchins Hall) by April 8, 1991, a resume and short statement delineating the reasons why they seek the position and the contribution they could make to MAP. The statement should indicate whether you wish to be considered exclusively for a summer or academic year position, or for both

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and whether you have had any writing or teaching experience. If you have any questions, feel free to contact Assistant Dean Virginia Gordan (303 HH) during her office hours or call (764- 5269).

NEED A SUMMER JOB? The Michigan Law Review seeks to hire four student clerks to work over the summer. Duties will include citechecking, proofreading, and administrative tasks. Positions are available until August 16 and are for 40 per week. The pay will be \$6 per hour. Applicants will be asked to complete a 3 hour citechecking test. If hired, they will be compensated for this time. Interested students should contact David Wille at 764-9044.

The **STUDENT ADVOCACY CENTER**, a non-profit organization in Ann Arbor that helps public school students (grades K-12) and their families resolve problems with their school, is looking for two work-study students to work 8-10 hours per week beginning in the fall of 1991. This is a great way to learn more about educational law issues. Volunteers are also needed. For more information, call the Student Advocacy Center at 995-0477, or contact Diane Lamon or Steve Pick by pendaflex.

WOLVERINE BAR ASSOCIATION SCHOLARSHIPS. Applications are now available in the the Financial Aid Office. Applicants must have completed at least one semester of coursework and must be a minority student. The application must be received by the Association by April 19, 1991.

AMERICAN LAWYERS AUXILIARY SCHOLARSHIP. Applications can be picked up in the Financial Aid Office. To be eligible, students must have demonstrated excellence in scholarship, leadership, and integrity and must also have completed a minimum of two semesters and presently be in the top quarter of the class. Applications must be returned to our office by May 1, 1991.

SCHOLARSHIPS FOR MICHIGAN RESIDENTS. The Financial Aid Office has information on scholarships awarded by the Ida and Benjamin Alpert Foundation for Michigan residents attending or planning to attend law school. To be considered, students must apply by May 15, 1991. Finalists will be expected to write an essay by June 26, 1991.

SCHOLARSHIP FOR ALABAMA RESIDENTS. The Financial Aid Office has information on the Cabaniss, Johnston Scholarship. The \$5000 scholarship is for Alabama residents for the second year of law school. The application deadline is June 14, 1991.

The **Sports Law Society** sponsored its first annual Sports Trivia Contest last Tuesday night. Sixteen teams competed, and in the end the team "Pops & the Mercedes Ladies" (Ken Hiller, Mike Martin, and Jim Newfield) prevailed. The Sports Law Society would like to thank all of the competitors for making the contest a success.

The **Fifth Annual Patent Law Interview Program** will be held Saturday, August 17 and Sunday, August 18, 1991 in Chicago. Loyola University of Chicago School of Law is hosting the program. All students with a background in engineering or technical science are invited to participate. For more information, see the Placement Office by April 12, 1991.

The **Lesbian and Gay Law Students Association** have expanded their membership to include bisexuals. The new name of the group is **Lesbian Gay and Bisexual Law Students Association..**

LSSS Seeks Committee Members

The Senate is looking for people interested in working on one or more of its various committees next year. Use the forms provided in your pendaflex to rank your preferences and drop the sheet in the Senate box by the pendaflexes. Questions? Call LSSS Vice President Kirra Jarratt at 764-8971.

ABA/LSD

- promote student awareness of the importance of participation in the organized bar
- educate students of the benefits of ABA membership
- organize a membership drive in the fall

ACADEMIC STANDARDS

- address issues of overall academic performance
- work with the administration in the setting of academic standards

ADMISSIONS

- work with the Dean of Admissions on such issues as minority recruitment, general admissions policies and their effect on the composition of the student body, and the recruitment of women

CLINIC ADVISORY

- address the concerns and the needs of those participating in the various clinics

COMPUTERS

- meet with the faculty, staff and Senate to discuss computer education for law students and the acquisition of computer software for the Law School Computer Facility

CURRICULUM

- work with the Faculty Curriculum Committee in addressing areas of student concern: new courses, case clubs, first year required courses, class size, redlining, clinics and small sections.

DISCIPLINARY

- meet with the faculty committee when students facing disciplinary action request a formal hearing

ELECTIONS

- run first year elections in the fall and general elections in the winter

FACULTY APPOINTMENT

- participate in a joint student-faculty committee which interviews and evaluates prospective faculty members

FACULTY MEETING

- act as the representative of the Senate at faculty meetings
- inform the faculty of the Senate position on various issues

FINANCIAL AID

- study and advocate student perspectives on financial aid issues
- increase student awareness of financial aid resources

LIBRARY ADVISORY

- present the library administration with areas of student concern

PLACEMENT

- promote a broader range of placement opportunities

QUALITY OF STUDENT LIFE

- create and implement ways to make life at the Law School more humane

RESIDENTIAL

- represent the interests of students living in the Lawyers Club

SCHOLARSHIP AND AWARDS

- promote and inform the student body of various prizes and awards

SOCIAL

- organize the clothing drive
- promote the social interaction of the student body

SPEAKERS

- sponsor speakers programs of general interest to the student body

SPORTS

- plan and organize sports events for law students

Phid House Party!

The Phid House "Spring Fling" takes place on Saturday, April 13 at 502 E Madison. It starts at 9 and ends at . . .

There will be a plethora of delicious refreshments, including but certainly not limited to non-alcoholic beverages. Admission is FREE!

Musical guests include:

"The Boys From Ipanema" (with Dave Eberhart, Andrew Manitsky, and Pete Wilborn)

"Feedbag" (with Eric Chial)

"Swank Rodeo Clowns" (with Chris Cessac & James Dudukovich)

LSSS Stance Provokes Mixed Reactions

By Peter Mooney
RG News Editor

Calling in their votes Friday to LSSS president Jose Vela, eight of ten LSSS representatives backed the current affirmative action policies maintained by the University's three scholarly journals, the Journal of Law Reform, the Journal of International Law, and the Michigan Law Review.

The statement reads, "These policies promote greater diversity among the journals' membership, encourage scholarship on non-traditional legal issues, and counteract existing dominant cultural biases that inhibit intellectual growth."

The resolution comes in response to a proposed rescission of the Law Review's affirmative action policy. The proposal was defeated by the Law Review's Editorial Board.

Reaction to the LSSS resolution was mixed.

Federalist Co-President sees

LSSS Overstepping its Bounds

Federalist Society co-president Greg Zemanick said that LSSS overstepped its bounds by taking a position on the policies of another group. "I think LSSS should avoid taking a position on the policies of other groups. If they were to evaluate Federalist policies I would consider it outrageous and a waste of their time."

While acknowledging diversity is a worthy goal, Zemanick criticized the use of affirmative action as a means of achieving diversity.

"It ought to be diversity of viewpoints, thought or intellect, not diversity defined by arbitrary attributes. Diversity based on attributes that have no connection to viewpoints is a source of injustice," Zemanick said.

Zemanick said he had spoken to Federalist co-president Kathryn Dessayer and that she concurred with his statements.

Zemanick added that the Federalist Society supports making affirmative action a matter for public debate. "We are totally in support of debate. It's (affirmative action) been treated as an orthodoxy for too long. We should no longer take it for granted."

Mary Shimizu, co-president of the Asian American Law Students Association, said that AALSA supports the continuation of the current policies even though Asian-Americans are not given preference under the Law Review policy.

"We support the policies and are glad they're in force," Shimizu said. On the issue of whether Asian Americans should be included in Law Review policy, Shimizu said that AALSA has a whole has never taken a position.

Michael Ross, a contributing editor of the Law Review, addressed the issue of affirmative action in an opinion column in this week's RG. Ross responds to a typical criticism: "What

about the Law Review? Given that grading is blind, Law Review selection is blind, and that the MAP program exists, how can anyone argue that racial minorities are disadvantaged here at the law school?" The answer is that people of color, on average, are disadvantaged vis-a-vis whites starting from the first day of kindergarten."

Ross also referred to typical disparities in educational quality and crime levels in neighborhoods where people of color live as well as the negative stereotypes which lead black students to think they are less intelligent.

Ross ultimately responded that students of color need the assistance of affirmative action programs "to offset the academic disadvantages racial minorities face as a result of past and present discrimination."

Moot Court Finals Set for Today

By Steve Chalk
RG News Writer

After six months of work, only four finalists remain from more than 50 original entrants in the 1990-91 Campbell Moot Court Competition. Andrew Rifkin and William Fealko for the petitioner, and Rocco Testani and Charles Ruck for the respondent will present final arguments on "Non-Profit Corporations and the First Amendment" before a distinguished panel of jurists, including two federal circuit court judges. The arguments will be held this afternoon at 3:30 in Honigman Auditorium.

Campbell Board member Frank Wu said the board altered the hypothetical case, featuring condom distribution as asserted free speech, for the semifinal and final rounds. As noted in the October 10, 1990 issue of *The Res Gestae*, the non-profit Public Health League distributed condoms in alleged violation of its statement of incorporation. Now, Wu said, the condom manufacturers have paid to advertise the league's efforts toward condom distribution.

According to Wu, this change brings two

new issues to the case: if the league's action is "speech," is it commercial in nature?; and, has Apex' advertising conferred a benefit upon the league, thereby endangering the latter's non-profit status? The fictitious District Court, without confronting the new twist, held last year that condom distribution is not protected free speech. In dictum, the court noted that even if the distribution was speech, the state could legally punish the league's violation of its charter.

No Supreme Court justice will sit on this year's panel of judges. Wu said the inability to attract a high court jurist during the past few years has frustrated the board. "If our peer schools can get a justice, it's disconcerting that we can't," he noted. Wu speculated that protests which have greeted recent visits by justices to prominent law schools may have made recruiting more difficult.

Associate Dean Edward Cooper sent out requests, one at a time, to five members of the Court, Wu said, and all declined the invitation. Cooper could not be reached for comment at press time.

Answers to Crossword Puzzle from page 15

X	E	L	A	L	H	S	E	W	E	D	P	S
A	T	A	T	A	S	R	C	A	S	E	R	L
S	N	O	N	O	A	L	T	A	S	N	S	L
I	N	I	R	E	V	E	R	S	E	D	D	O
L	E	G	E	E	W	O	S	T	H	G	A	T
E	D	N	S	S	O	N	O	N	N	E	M	A
E	R	I	E	A	N	E	A	N	W	I		
F	R	D	W	R	I	G	H	T	O	F	F	I
			R	E	B	T	U	S	A	R	E	S
T	S	S	A	S	L	E	D	N	E	L	I	A
R	E	H	E	L	E	Y	A	P	O	P		
O	L	B	A	C	K	W	A	R	D	S		
T	E	B	E	C	I	O	L	E	N	O	N	Z
X	O	L	R	E	R	V	E	L	O	L		
E	A	R	A	N	E	D	A	S	C	A	W	

DRUG WAR, continued from page 1

and how that race might affect the person's perception of a police encounter.

Following Professor MacLin's talk, Professor Shaw spoke

from personal experience about the drug war's affect on Fourth Amendment rights. He discussed his childhood in the Bronx and told of an incident in which he was picked up by a neighborhood policeman without cause, strip searched, and accused of using and dealing drugs.

Professor Shaw stated that while he had a vague idea at the time that his rights were being violated, he had no practical way of resisting the officer's search. He also described several incidents of harassment that he witnessed in Los Angeles during his term as Western Regional Counsel for the NAACP Legal Defense

and Educational Fund.

Shaw argued that the "so-called 'War on Drugs' has offered carte blanche to police" and claimed that "in our communities the Fourth Amendment isn't worth the paper it's printed on." Before handing over the podium, Professor Shaw noted that drug use takes a tremendous toll on black communities, and he told of a long list of his childhood friends who had died from using or dealing drugs. He urged that greater attention be paid to the conditions that drive people to use drugs since, in his view, this is the only real solution the problem.

Professor Johnson was the last to speak and she used her time to address the conditioning of welfare benefits on drug testing. She examined the issue first in the political arena and argued that there is an element of racism in

the calls of politicians around the country for this sort of testing.

Johnson then discussed possible constitutional challenges, including Fourth Amendment arguments and equal protection claims. She concluded pessimistically, however, that there is little hope given the current Supreme Court of preventing such testing.

Other parts of the two-day symposium included a speech by Professor Dwight Greene of Hofstra University on Friday, speech by the Reverend Calvin Butts of the Abyssinian Baptist Church in New York on Saturday morning, a panel discussion on women's rights and the war on drugs on Saturday afternoon, and a

speech by Professor Linda Greene of the University of Wisconsin Law School on Saturday evening.

Hawaiian Gov. Ariyoshi Speaks On Asians In Government

By Mary Shimizu

George Ariyoshi, former Governor of Hawaii and distinguished Law School alumnus, spoke at the law school on Friday, April 5.

Ariyoshi is a 1952 graduate of the Law School and was the first Asian American governor of a state, serving as governor of Hawaii from 1973 to 1986. He attended Michigan State University for his undergraduate degree, graduating there in 1949.

University President James Duderstadt introduced Mr. Ariyoshi, stating that no one has done more to illustrate Asian American political leadership and noting Mr. Ariyoshi's remarkable of never losing a political election. Duderstadt noted that it was important for Mr. Ariyoshi to come to speak in Mid-America, highlighting the highly interdependent world of today.

Duderstadt praised Mr. Ariyoshi for creating in Hawaii a model for the multicultural society of the future, and stated that while it was easy to characterize Asian Americans as the "model minority," significant discrimination in economic and social life still exist for Asian Americans. Among the problems Duderstadt mentioned were the "glass ceiling" or "higher and fewer" problem, which is that there are fewer Asian Americans higher up in the corporate ladder as well as a dearth of Asian American faculty in higher education.

In his speech, "Asian Americans and Political Leadership," Mr. Ariyoshi described some of the hard decisions that he had faced as governor. When the state legislature proposed a measure cutting impact aid for education of children of military personnel — in response to Reagan administrative move to lower education funding for states — Ariyoshi vetoed it. He stated that he had stood by his notion of equality and equal access to education.

Ariyoshi also recalled how he had voted against a popular land reform bill called the Maryland bill. His colleagues in the Democratic Party told him not to campaign with the Democrats because his stand embarrassed them. Ariyoshi said he had always believed that his supporters trusted him to exercise his best judgment in office and that even if a voter disagreed with the particular stand that he took, the voter would still stand behind him.

Another important feature of leadership he cited was the need to be mindful of the future. In all his years as Governor, Ariyoshi said he never had a deficit, explaining that he could never feel comfortable taking from the future to spend in the present. Along the same lines, he noted that he had often opposed land development projects in Hawaii for the reason that once such land had been taken for use as condominiums or golf courses, such land could never be returned to nature. Preservation of the natural beauty of Hawaii was also important for tourism, one of the island's largest industries.

This concern for the future ties in with what he feels are the most troublesome problems of the U.S. today: the federal deficit and the lack of competitiveness of U.S. industry. He noted that even if every man, woman and child in the United States paid \$1,000 toward the deficit, this would not eliminate the deficit. He also noted the irony in asking Japan to save less, or spend more on public works, for example, when what Americans should be doing is saving more or spending less.

One approach Ariyoshi recommended for increasing the competitiveness of the U.S. economy was better labor/management cooperation. He gave an example of the time he had helped negotiate a management/labor dispute, keeping both sides at the table from Saturday to Tuesday until they came to an agreement. He



Dean Bollinger presents a portrait to Governor Ariyoshi.

lambasted leaders of the auto industry for taking large compensation packages when those funds could have been used for research and development or quality control; but at the same time he noted that unions must also make sure that they do not ask for wage increases without earning them and helping to increase productivity.

Ariyoshi also stressed the importance of commitment to one's ideals while in political life. In response to a question on how young adults could get involved in politics, he stated

that the most important thing was to have some goals and ideals, to have changes that one felt had to be made. He noted that while political life seems glamorous, it requires great personal and financial sacrifice and as such, one must be sure that one wants to do it. However, Mr. Ariyoshi urged students to get involved with their communities, in whatever way possible.

At the end of the speech, Dean Bollinger presented Ariyoshi with a portrait of himself, which will be hung at the Law School.

SFF, continued from page 1

student contributions. The highlight will be an auction on Tuesday at noon at the same location. The RG's own Doctor Manitsky will be the guest auctioneer. Items up for bid will include free and discounted bar review courses from BAR/BRI and Kaplan, dinners at nice restaurants, two sightseeing airplane rides, and a surprise offering from Professor Syverud.

SFF funded students work in a broad range of public interest law fields. This year, for example, students will work for the Northwest Women's Law Center in Seattle, The Sierra Club Legal Defense Fund, and The Lawyers' Committee for Better Housing. Board member Doug Cogen stressed that everyone profits from the work that these students do.

Cogen said that although not all students choose to devote themselves to public interest work, most students agree that this work is

important. Cogen believes that if we say we value this work, and want to see it done, it is only logical that we help to accomplish it in some manner.

Borthwick stated that the people who work in public interest jobs over the summer benefit their fellow students by discussing their experiences both inside and outside of class. Borthwick himself received a SFF grant to work in the Los Angeles Public Defender's Office after his first year, and he says it was a "great experience." Because his job was so rewarding, Borthwick decided to help out the SFF organization, which is the largest organization of its kind. SFF raises more money and funds more students than any other student funded group, including those at Harvard and Georgetown, law schools that have many more students than Michigan.

FACULTY, continued from page 1

become gender and cultural background."

One member of the audience, Melanie Vontersch, asked whether the panel thought sexual orientation should be a matter of priority in promoting diversity among faculty. Professor Simpson initially reacted: "There has been a sense that people's private lives should be their own business."

One difficulty in attracting faculty members, Krier said, was that there are more opportunities for spouses at law schools like Harvard, Columbia and Chicago which are in large metropolitan areas.

It was suggested by the panel that many candidates consider law schools as a partnership with their spouse. In competing against Stanford, Harvard and Chicago, there are often more job opportunities for spouses in San Francisco, Boston and Chicago than in Ann Arbor.

Thus, Michigan's problems are partly caused, as Simpson explained, by being located in a small town in the middle of nowhere with appalling weather.

Krier said he favors more student input on hiring. He noted, "I'd like to see some of the students go to the AALS recruitment conferences."

At one point Krier responded to a question about how to change the system and what it produces by referring the questioner to Ramos, who served as mediator during the forum. Later, another student asked why answering that question was Ramos' responsibility rather than that of the faculty.

Krier responded that faculty members have no more expertise on the issue of diversity than students. "We don't know what to do. We are idiots in this area and we need all the help we can get," Krier said.

Guelcher's Guesses on American League

By Steve Guelcher

This week's column is abbreviated by necessity. Tomorrow (yesterday for those of you who are reading this) at 11:00 a.m. I have to be prepared for my annual Rotisserie draft. Because I am woefully underprepared at present and so much is at stake (cash, and more importantly bragging rights over my friends), I face the unhappy prospect of spending the majority of this beautiful weekend indoors.

Two weeks ago I offered my senior circuit predictions. This week I will try my hand at guessing how the American League races will turn out:

A. L. EAST

1. Toronto
2. Boston
3. Baltimore
4. Milwaukee
5. Detroit
6. Cleveland
7. New York

I picked Toronto because in a division with horrible pitching, they have a few more adequate hurlers than any of their rivals. (But this should by no means be taken as a ringing endorsement of the Blue Jay pitching staff). Because there are no outstanding teams in the East, any of the seven could prevail. But realistically, Milwaukee, New York, and Detroit would have to score seven runs a game to win close to ninety. If the starting staffs of these three were combined, there still would be seven or eight American League teams with better rotations. Of course, Cleveland, Boston, and Baltimore aren't exactly loaded with pitching either, but at least they don't have Frank Tanana on the mound on Monday.

Boston has the best offensive lineup, but after Clemens the rotation is awfully shaky, and I think this will allow Toronto, which still has a solid everyday lineup, to beat them out. Baltimore just doesn't quite have enough pitching or hitting, but the addition of Glenn Davis could allow the O's to make a run if Ben MacDonald and Greg Olson are healthy enough

to pitch all year. Milwaukee, New York, and Detroit will all score lots of runs but their pitching is just terrible. Looking at these staffs must really terrify the cities waiting to see who will get expansion franchises next year. If people like Mark Knudson and Walt Terrell pitch are considered major league quality starters know, imagine who will be on the mound every five days when there are two more starting rotations to fill. Cleveland has decent pitching relative to the rest of the division, but they will be lucky to score three runs a game. I would have picked them last but I'm a Tribe fan and I hate the Yankees.

A. L. WEST

1. Oakland
2. Kansas City
3. Chicago
4. Seattle
5. California
6. Texas
7. Minnesota

Unlike the East, there isn't a really bad team in this lot. I know its becoming trendy to pick against the A's, but I really don't see any reason to think they will be worse than last year (except perhaps the loss of Carney Lansford), so I'm picking them again. Chicago and K.C. should make this a very interesting race right through September, provided that Chicago's young pitchers perform again and the Royals actually play to the level of their talent. The Mariners really might make it to .500 this year if Mike Schooler is healthy, but they just don't have quite enough to contend in this division. The Angels are tough to figure, they have the potential to contend, but for some reason I just don't see it happening. Maybe its the fact that they have too many guys who are close to collecting social security. Texas and Minnesota aren't bad squads but someone has to finish Sixth and seventh and lose the games that the A's, Royals, and Sox are winning. Once again, good luck to all of your teams this summer, unless you're a Yankee fan.



Spring Fever!

First years Bruce Byrd, Eric Gurtvitz, Roger Lucas, and Chris Reid enjoy the onset of spring.

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MILLS

Res Gestae Crossword Puzzle

by Aaron Mead

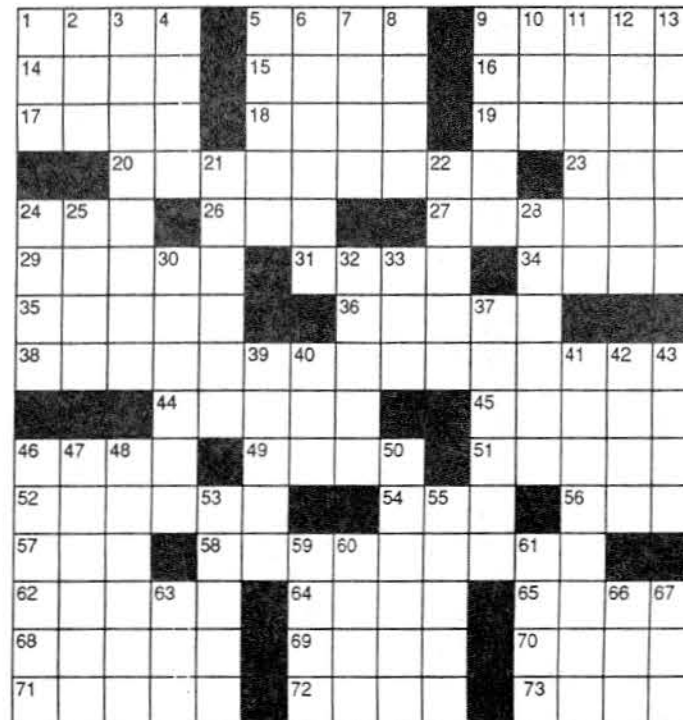
ACROSS

1. Female soldiers
5. Copenhagen resident
9. Wine maker
14. Object of adoration
15. At any time
16. Expensive watch
17. Region
18. Sites
19. *Sneak Previews* co-host
20. How this answer appears
23. Arab org.
24. Burst
26. Sailor's "Sure"
27. Dirty old man
29. Out-of-towner
31. Place for a hero
34. Helper (abbr.)
35. Gives a hoot
36. Potato, e.g.
38. How this answer appears
44. "___ what I say!"
45. Eagle's home
46. "That's right!"
49. Hole in the wall
51. Sarcastic
52. Made wiser
54. Be in arrears
56. Come together
57. Off center
58. How this answer appears
62. Redbone and Spinks
64. List ender
65. Burden
68. Tackle box items
69. Parabolae
70. British bye-bye
71. Black suit
72. See 56-across
73. Mallory and Jennifer's brother

DOWN

1. Diana Ross film, with "The"
2. Bother
3. Plot
4. Ethan Frome's bane
5. Be dilatory
6. Sworn
7. Bottle part
8. Pythoner Idle
9. Diving bird
10. Plunder
11. Hebrew A's
12. Spartan coach
13. Blackmail
21. Price on one's head?
22. Accused's tale
24. Covenant
25. King of Norway
28. Bizet work
30. Some fishing
32. Centric lead-in
33. Type of nut
37. Editor's need
39. Camping gear
40. Eastern "Way"

41. Copied item
42. Circus attraction
43. Be sentient
46. The Maldives, e.g.
47. Fictitious
48. Author Welty
50. Comedian Ernie
53. German state
55. Like Dylan Thomas
59. 500 sheets
60. Raison d'___
61. Part of N.B.
63. Actor Beatty
66. Shoshonean
67. Jazz combo ingredient



GRACE, continued from page 16

"Well, just define yourself. What do you do?"

I told Ron that I was law student. He became furious. He lost his poker face and started to spittle.

"NO, that's what you are! What do you do?"

I had to think about this for a while before it finally came to me.

"I take test. I'm a test taker."

"Yeah, but do you take test gracefully?"

"I don't know. I don't go in with a spotlight and a little tap dance, but I don't leave in tears either."

Ron just nodded and continued to play cards. He was a gambler of grace. He lost with a smile on his face.

So, I've had "grace" on my mind for the last few months. I've been on this strange hunt for it. My ultimate goal is to find a lawyer of grace and I've come close.

Just the other day, I sat in court representing some children in a case through the Child Advocacy Law Clinic. The mother in the case was having trouble waking up and getting the kids off to school. In the middle of the proceedings, the mother's lawyer let out a little laugh. When the judge pressed the lawyer for an explanation, the lawyer explained that she had just asked the mother whether she owned an alarm clock, and apparently she did not. Without a moments hesitation, the judge reached behind her bench and produced this beautifully gift-wrapped box and said, "here's an alarm clock. Tell your kids you got it from the Judge. Don't lose it." In that moment of giving, the judge displayed more grace than a diving catch in the bottom of the ninth.

And earlier in the semester, my partner in clinic and I were interviewing three young children. The children were almost as shy and

uncomfortable as we were. Our conversation was going nowhere. However, when one of the children admitted to studying birds in school, my partner went into this awful, gut wrenching, and incredibly inaccurate rendition of what a goose sounds like. We proceeded to laugh with her, then at her, and then at her some more. She had broken the ice with unexpected grace.

The problem is that I've fallen short of my ultimate goal - I still haven't found a graceful lawyer. This strikes me as strange because lawyering is one of the few professions that comes with its own instruction book - the Model Code of Professional Conduct. It therefore only seems logical that if graceful people are the cub scouts of humanity, then at least some of the bear den leaders would be lawyers. I don't understand why this isn't so. I don't understand why our mascot is a shark, rather than a dove or a dolphin.

Nevertheless, in keeping with the ultimate wisdom of Ron the gambler, and in recognition of grace in the "as close to lawyering as possible" category, I offer standing ovations to both my clinic partner and the alarm clock giving judge. I'd also like to give a strong round of applause to the woman in my evidence class who, when confronted with a question to her question, simply said, "If I knew the answer, I never would have asked."

I left Atlantic City with \$390 in winnings. When I got home I told my mother that everyone wins in Atlantic City. I rationalized that casinos must make their money off of concessions (the price of a hamburger was outrageous). I told my mother that my new goal in life was to produce something that people could look at and say, "Wow, now that's a thing of rare grace." And, with the grace of a mother in fear of her son dropping out of law school, she asked for her twenty dollars back.

The *Res Gestae's*
final issue
of the semester
will be next week:
Monday, April 15.

All opinion pieces
and letters to the
editor must be
submitted by
Friday, 5:00 p.m.
in the RG pendaflex
located outside
room 300
in Hutchins Hall.

Ask Dr. Manitsky

The Brady Bunch

Dear Dr. Manitsky,

Is it true that you are a huge Brady Bunch fan? If you could be any Brady, which one would you be? And more importantly, what's your favorite episode? (Personally, I'm a big fan of the trip to the amusement park when Jan and Marcia lose Mr. Brady's plans, but I also love the episodes in which the Brady kids sing.)

—Fellow "Bunch" Admirer (2L)

Dear Fellow "Bunch" Admirer,

If I could be any Brady, I would, of course, be Cindy.

My favorite episode would have to be the one I saw last week: "The Power of the Press." In *The Brady Bunch Book*, by Edelstein & Lovece, the episode is summarized in the following way:

Peter becomes a columnist in his school newspaper. Calling himself "Scoop" Brady, he becomes popular as he puts his friends' names in the column. But as he devotes more and more time to the paper, his schoolwork suffers: he gets a D on a science test. Peter has the solution: He'll write a flattering column about the dull teacher.

Unfortunately for Peter, his plan fails, because the dull teacher sees right through his cheap ploy. Naturally, as a columnist, I feel I've learned something from this episode.

First, I will continue to mention my friends' names (like Trover and Ringel and Berg), and second, I will probably cancel next week's special feature on Sandalow.

—Dr. Manitsky

Dear Dr. Manitsky,

Is there any truth to the rumor that Tracy Birmingham (1L) dyed her hair brown because she, like Madonna, feels the need to change her identity every 6 months? I had always associated her with a strong, womanly character like Madonna, and would be impressed if she shared my admiration for the "Virgin" one.

—Inquisitive Boy Toy (1L)

Dear Inquisitive Boy Toy,

I spoke with Tracy, and she said the rumor is false, adding that she "doesn't even like Madonna." This is strange, since my sources tell me that Tracy made a cameo appearance in Madonna's video, "Justify My Love." It is not clear which part she played.

Most people have been extremely complimentary vis-a-vis Tracy's new hair color, although Sad Sayeed (1L), her current "love slave" (as my editor, Mark Sanor (1L), calls him), is not overly excited about it.

—Dr. Manitsky

Dear Dr. Manitsky,

I saw you walk in late in evidence last Wednesday. You're the reason we're kept late all the time!

—Punctual

Dear Punctual,

I was very upset by your letter. So upset, in fact, that I spoke to Professor Gross about it. He indicated that my tardiness has nothing to do with the class being kept late. He added, "It *can't* be your fault. You're only late *half* of the time."

—Dr. Manitsky

Dear Dr. Manitsky,

I keep seeing Steve Rosenblatt (2L) walking around town with a beautiful woman. How does he do it? As Steve himself readily admits, he's no Adonis. And yet he continues to go out with these attractive women. What has he got that I haven't got?

—Wondering (3L)

Dear Wondering,
Big penis.

—Dr. Manitsky

On Grace

By David Sobel

Ron was the only happy person I could find in Atlantic City. He was this big guy with huge hands who sat in the first seat at the blackjack table because he liked to control the pace of the game. The drinks are free at Trump's Taj Mahal, so Ron and I became close friends very quickly.

I went to Atlantic City over Christmas break. My mom, a budding gambler, filled me in on the basics early that morning. I was to always split aces, never split face-cards, and never touch the twenty-dollar bill she slipped into my coat pocket - that was for emergencies. Above all, she told me to find a "happy table" to gamble at. Mom explained that gambling was like a black comedy - you have to laugh in the face of tragedy: "Find a happy table, with happy people, talking about happy things, and filled

with happy thoughts." With those words of wisdom and the extra twenty, I started the four hour drive with an overly unjustified amount of confidence.

What I didn't know was that things change quickly in Atlantic City. My table of wayward grandmothers was looking a little dejected and I was down 40 dollars. Worst of all, Ron was getting a little weird on me. He leaned over and whispered in my ear, "Why do you think Elvis named his estate Graceland?" I had absolutely no idea and I told him so. With a glitter of understanding and a child-like smirk of a secret untold, Ron divulged everything to me. He told me that Elvis understood that life was the accumulation of grace: "You are what you are, you do what you do, but you do it with as much grace as you can muster." He explained that Elvis was a showman, and that

Graceland was the culmination of his craft. He believed that people of grace deserve standing ovations.

I looked at him a little dumfounded. The only thing I knew of Elvis was this movie where he played a doctoring priest who randomly strummed his guitar and broke into song while healing the sick of an urban ghetto (Mary Tyler Moore was also in the movie. She played a nursing nun who happened to have a thing for unobtainable singing doctors). But Ron was the kind of big guy with big hands that you don't argue with. I nodded in agreement and mistakenly "hit" on a 17. Ron noticed my confusion and pressed the issue. He asked me to "define" myself.

"What do you mean?"

See GRACE, page 15

Law in the Raw

By Blum, Ward & Wisotzkey

And-A-One, And-A-Two, And-A-Kill, Kill, Kill

Florence Blankenship, 51, was found not guilty by reason of insanity in December for the July 1988 murder of a nineteen-year-old man in York, Virginia. According to psychiatric evaluation, she claims she shot the man because she had received a signal from bandleader Lawrence Welk to do so.

- New Times

World's Dumbest Cops

Red-faced police officers in Van Nuys, CA were left holding the bag... or rather, the check recently. The Men in Blue accepted Dennis John Alston's cashier's check as bail when Alston was being held on check forgery charges. Some tip-offs to the \$1,500 check's non-negotiability: it was dated four days before Alston's arrest and it had the same serial number as the check he was arrested for forging initially.

- Student Lawyer

And the Dumbest of the Thieves

Possession may be nine-tenths of the law, especially with the huge backlog of stolen car cases these days. Stupidity might be the other tenth though. From the opposite end of the nation as the CA cops, a thief in Miami, Florida, answered the call placed by Lynne Rosier, quick thinking owner of a stolen '88 Toyota Camry, with a cheery "Hello." The policeman who came to take Rosier's report took the phone, said he'd heard the guy had a car to get rid of and agreed to meet him at a local high school parking lot. Five minutes later, police cruised by and picked up 18 year old Thomas Peedin, who was "leaning against Rosier's Camry." Oh, and he had managed to put a dent in the bumper in the time he had it.

- Detroit Free Press

If It Isn't Tied Down

Police in Washington were called by Ringling Bros. and Barnum & Bailey Circus marketing manager Joseph Gold April 1st, yes, April Fool's Day to report the theft of two tons of elephant manure. And yes, it took quite a while to convince the

cop on the other end of the line that this was a serious report. Statistics inquiring minds might want to know- two tons of dung are produced weekly by the 16 circus' elephants; it is given away to area farmers and gardeners; and it was last seen outside the city armory in "about 100 shopping sacks plus four pick-up truck loads. Call out the tracking dogs.

-Detroit Free Press

Thanks to whomever put this in the pendaflex

Line Drawing, So to Speak

How far is too far to go when stating a good cause of action in a tort action? It took the Supreme Court of Virginia to draw the line. No, placing a "small plastic bird the same color as the icing" on a cake was not unreasonably dangerous enough to be negligent. The (adult) who ordered the cake, Esther Burroughs, had swallowed the decoration which, she claimed, she had not requested in the first place. The Court held that who decided to put the thing on the cake just didn't matter.

-National Law Journal